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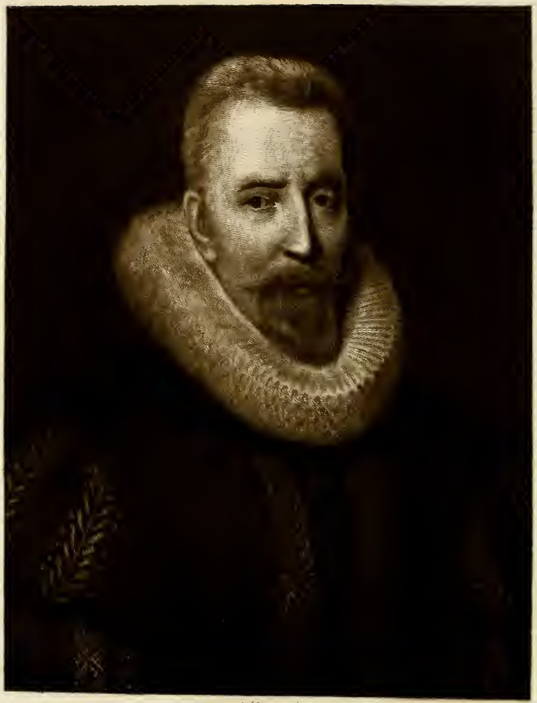

Chas. Laurie Sc

SIR THOMAS HAMILTON
FIRST EARL OF HADDINGTON.
BORN 1563 : DIED 1637.

MEMORIALS
OF THE
EARLS
OF
HADDINGTON,

BY
SIR WILLIAM FRASER
K.C.B., LL.D.

IN TWO VOLUMES.
VOL. I. MEMOIRS.

EDINBURGH, 1889.

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INTRODUCTION

THE HADDINGTON MUNIMENTS.

In the month of May 1857, the venerable Thomas, ninth Earl of Haddington, then in the seventy-seventh year of his age, introduced me into his muniment-room in his mansion of Tynninghame. As soon as we entered the room his lordship, pointing to the fireplace, said, in his distinct voice, "The letter to the Pope was found there." At the moment it startled me that such a valuable historical document should have been discovered in such an improbable place. But I did not then trouble Lord Haddington for any explanation how such an important writing was ever put into the fireplace. It did occur to me that if a historical gem, like the letter to the Pope, had been found in such an apparently dangerous place of deposit, the safer charter-chests, and more probable presses, which I saw around me, might disclose documents of even greater value. Indeed, a vague idea occurred to me that I had found a perfect paradise of parchments.

The older manuscripts at Tynninghame were acquired by Thomas, the first Earl of Haddington, who, from the high and important offices which he long held under King James the Sixth, necessarily carried on extensive correspondence both with his sovereign and the officers of state. But from various causes little attention appears to have been paid to the family muniments. On the sixth earl's accession in 1685, his tutors expressed a wish to have the several writs and evidents in the hands of Mr. Archibald Hope of Rankeillor, Robert Colvill, or any others, collected and carried to Tynninghame, to the effect the whole writs might be compared with the inventory,[1] but no complete inventory of the writs has been found.

It was in the time of Thomas, the seventh earl, that the celebrated letter which was addressed by the Barons of Scotland to the Pope in the year 1320, was engraved from the original then at Tynninghame, in Anderson's Diplomata Scotiæ, which was published in the year 1739. But it was not till the accession of his son Charles, the eighth Earl of Haddington, in May 1794, that the attention of the family appears to have been directed to taking special care of their muniments. The eighth earl was a very methodical man of business, but not being familiar with ancient writs, he wisely asked the assistance of his Edinburgh law-agent, Mr. John Wauchope, W.S. The earl writes to him on 18th August 1795, referring to the examination of the muniments:—"In addition to the papers you picked out, I send tied up and marked No. 1 three papers anent the Park."[1] . . . "Such of these that are not of use stand some chance of being burnt. In the two large cabinets in the charter-room I found nothing but *fire paper*, old butter and eggs accounts, or retired bonds. You have no idea of the numbers of these last. On the floor I have found nothing but Privy Seal warrants and old vouchers, intersperst with old musty papers. On the back of some are legibly wrote carta of this and t'other place from the Orkneys to Galloway. May I burn these? I presume they belonged to the secretary's office."[2] With the aid of his law-agent, the eighth earl inspected all his manuscripts, and arranged and docqueted many of them in his own distinct handwriting. These docquets are generally expressed with minute care and accuracy.

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[1] Original Minute of tutors of sixth earl, 22d October 1685, at Tynninghame.

LETTER TO THE POPE, 1320.

Apparently in the course of that inspection the letter to the Pope in 1320 was rediscovered, and afterwards printed and engraved in 1822 for the Record Commission folio edition of the Acts of the Parliaments of Scotland.[3] It has also been reproduced by the process of photo-zincography in the National Manuscripts of Scotland.[4] Charles, eighth Earl of Haddington, died in March 1828. His son and successor, Thomas, the ninth earl, in the following year, 1829, in fulfilment of a wish expressed by his father, presented the letter to be placed amongst the national records in H. M. General Register House, Edinburgh. It has since remained there as one of the historical treasures of Scotland, and is well known.

As the history of such a document is interesting, a few facts connected with it may be noticed. On examining the engraving of the letter as given in Diplomata Scotiae, it will be observed that of the many seals of the earls and barons which were appended to the original, the only one represented is that of Duncan, Earl of Fife, which has the place of honour, being the first on the line, as his name and title, "Duncanus, Comes de Fyf," are also first in the letter itself. In regard to the engraving of the letter made by Lizars for the Acts of Parliament, the learned editor of that valuable work says—"This instrument has been greatly injured since it was engraved for the 'Diplomata Scotiae,' and the seal of the Earl of Fife, the only one engraved by Anderson, has been torn away."[1] Again, on comparing the facsimile of the letter in its present state, as given by the photo-zincograph in "The National Manuscripts of Scotland," published in 1870, and the engravings in the Diplomata and the Acts of Parliament, it will be seen that, as shown in these two works, at long intervals of time, it was "nearly perfect," while now there exist two large holes in the original. One of these measures four inches in length by three inches in breadth. The damage to the parchment is incurable, and this once famous monument of antiquity has suffered irreparable injury.

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[1] Holyrood Park.

[2] Original Letter. In the following year the eighth earl was still engaged in the examination of his muniments. This appears from a transcript of the charter granted in the thirteenth century by the Earl of Pembroke, printed in this work. The transcript bears at the end the following docquet: "Copied in the General Register House, Wednesday, the 15th June 1796."

[3] Vol. i. pp. 114, 115; published 1844 (474).

[4] Part ii. No. xxiv.

A story intended to illustrate the marvellous preservation of the letter to the Pope was first promulgated by the late Professor Sir James Simpson, Baronet, M.D., in an inaugural Address to the Society of Antiquaries of Scotland, session 1860-61. After describing the letter, its antiquity, and its contents, he proceeded to relate that the letter to the Pope was placed by the housemaid at Tynninghame in the grate of the drawing-room there, along with other combustible materials, to make a good blazing fire, and that, just as she was applying the match, her master accidentally came into the room, and instantly stayed her destructive hand, thus rescuing the letter from the flames. This story created a sensation in the audience. Not one of those present at the meeting, except the present writer and another person, was aware of the fiction which had been delivered. No dissent was expressed during the delivery of the address; but at the end of the meeting Sir James was asked for his authority for the story. The lecturer referred to his informant, an antiquarian friend also then present, who gave as his author the then lately deceased Thomas, ninth Earl of Haddington, but, at the same time, he admitted that his lordship never made any such statement to him, and that he had never even seen him. The simple fact is, that the letter to the Pope had been placed as a sort of ornamental apron over a small or mock grate, not intended for use, in the charter-room, and this had been magnified into the sensational story of the imminent destruction of the letter by the housemaid in the daily-used drawing-room grate. When the true state of the case was submitted to the lecturer, he altered his statement in the printed address to the following:—"This venerable record and precious declaration of Scottish independence, written on a sheet of vellum, and authenticated by the dependent seals of its patriotic authors, was detected by a deceased Scottish nobleman in a most precarious situation, for he discovered it ruthlessly stuck into the fireplace of his Charter-room."[1] In the circumstances, however, the expressions "most precarious" and "ruthlessly" are entirely out of place.

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[1] Acts of Parliament, vol. i. Tabula, p. 15 (291); compare also National Manuscripts of Scotland, Part ii. No. 24; introduction, p. 8. Only twenty-one seals now remain appended to the letter, but thirty-eight more seals had been originally appended and are now detached.

In the same Record Room in Her Majesty's General Register House, Edinburgh, in which the letter to the Pope is kept, there are other two very important national manuscripts, both written and dated in the same fourteenth century. One of these is the Act of Parliament which settled the crown of Scotland in the Stewart family in the year 1371, and the other is a second Act in 1373 renewing the former. In the second volume of the National Manuscripts of Scotland, published in 1870, the editor, Mr. Innes, relates that these two beautiful writings have been "fatally injured" since they were engraved in the year 1822 for the folio edition of the Acts of Parliament. But the statement is too sweeping; it is only the earlier Act of 1371 that was so injured. This occurred in 1865, through the accidental failure of a process which was intended to preserve it. The tradesman employed was an English repairer of ancient documents, so highly recommended for his skill and experience that the officers of the Register House, who superintended his operations, were entitled to rely on these qualifications for performing carefully the work of repair which he undertook, and they were not responsible for the injury which befell the Act of 1371.

OLD ACTS OF PARLIAMENT, 1368-1400, FOUND AT TYNNINGHAME.

The letter to the Pope was not the only ancient manuscript which was transferred from Tynninghame to the General Register House. Another donation by the family is a volume titled "Statuta, Rob. II. and III. 1384-1400, Haddington MS." This volume consists of fourteen folios, engrossed on both sides, in a good hand of the period, and most of the statutes have rubrics on the margin in a different and smaller hand than the text. The statutes are partly in Latin and partly in Scotch, and so are the rubrics. All the statutes appear to be printed in the Acts of Parliament. Referring to this volume the editor of the Acts says: "Among other important documents which were lately discovered at Tynninghame, the seat of the Earl of Haddington, were some portions of a paper volume of Parliamentary Register, recording proceedings in eight Parliaments and General Councils of Robert II. and Robert III. from the year 1384 to

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[1] Archæological Essays by the late Sir James Simpson, Bart., 1872, vol. i. p. 55; Proceedings of Society of Antiquaries, vol. iv. p. 5.

1400. It is evidently a contemporary record, and was most probably left at Tynninghame by the first Earl of Haddington, who was Clerk of Register under King James VI., and well known as a zealous student of legal and constitutional antiquities. Still more lately, and while the sheets of David II.'s reign were still at press, three original Rolls of Parliament were recovered, which serve to fill up some important blanks of David II.'s Parliaments, 1368 and 1369, and of the General Council and Parliament of Robert II., 1388 and 1389."[1] A portion of one of these manuscripts has been engraved as an illustration in the first volume of the folio edition of the Acts, and is described as the "commencement of the records of proceedings of the Council general held at Perth, January 27, 1398."[2]

KING MALCOLM'S CHARTER TO KELSO, IN 1159.

Another document, also of great historical interest, was formerly in the charter-chest of the Earl of Haddington, and may have owed its preservation to the care and knowledge of the first earl. This document is the famous charter granted by King Malcolm the Fourth, commonly called "the Maiden," to the abbot and church of Kelso, in the year 1159, now in the custody of His Grace the Duke of Roxburghe. It was first engraved by Mr. Anderson, in his "Diplomata Scotiae," from the original in the archives of Thomas, seventh Earl of Haddington.[3] It was afterwards given in facsimile in the "Liber de Calchou," which was presented by his Grace the Duke of Roxburghe to the Bannatyne Club in the year 1846, in his preface to which, the learned editor, Mr. Innes, claims it as the most remarkable of Scotch charters,[4] and it was again reproduced in the "National Manuscripts of Scotland."[5]

How the charter of King Malcolm came to be in the custody of Thomas, seventh

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[1] In a footnote he adds:—"These three Rolls were brought to the General Register House by a person who would give no information where he had got them. They consist each of only one membrane, and are marked with the letters I, M, and Q, raising a presumption that there have been more of the series. It will be observed (see Tabula, p. 21) that the first contains only judicial proceedings. The other two are Minutes of the general proceedings in Parliament, and the Roll of 1369 serves to test the accuracy of the Blak Buik giving the same proceedings in slightly different language. There is reason to believe these Rolls also came from Tynninghame." [Acts of the Parliaments of Scotland, vol. i. preface, p. 18.]

[2] Acts of the Parliaments of Scotland, vol. i. p. 572.

[3] Names of custodiers of charters engraved, Diplomata, p. viii.

[4] Liber de Calchou, vol. i. pp. xliv, xlv.

[5] Vol. i. No. xxxii. In his Prefaces to the Acts of Parliament and the "Liber de Calchou," the editor, Mr. Innes, highly extols the beauty of King Malcolm's charter. But in his translation of it in the National Manuscripts, King David the First is called the uncle of King Malcolm the Fourth. This is an obvious error, and it is repeated several times throughout the translation. Their real relationship of grandfather and grandson was well known to the learned translator, and is correctly stated in another portion of the same work.

Earl of Haddington, at the date of the publication of the Diplomata in 1739, and how it was transferred to the custody of the Duke of Roxburghe previous to his contribution of the "Liber de Calchou" in 1846, has not been ascertained, and may not now be easy of explanation. Before the family of Roxburghe obtained grants from the Crown of the abbey lands of Kelso, the abbey had been in the possession of several other families subsequent to the Reformation, one proprietor being the turbulent Francis Stewart, Earl of Bothwell. But before the grant of Kelso to Bothwell, James Stewart, the eldest natural son of King James the Fifth, was made commendator of the abbeys of Kelso and Melrose in his fourteenth year. He was the same James Stewart, who also obtained a grant of the lordship of Tynninghame, to be afterwards referred to. The charter, remarkable for its great size, pictorial effect, and unique initial letter with its representations of David the First and Malcolm the Fourth, may have attracted the notice of the young commendator. The charters of his abbey of Melrose were very numerous, and the originals have been preserved to the present day. The original charters of Kelso, on the other hand, appear to be chiefly represented by this one great charter of Malcolm. When both these abbeys were held by one commendator, the charters of Kelso may have been preserved along with those of Melrose, or the Kelso charter may have been taken by the commendator to Tynninghame during his occupation of that ancient church domain. As the first Earl of Haddington purchased both the abbey of Melrose and the barony of Tynninghame, the Kelso charter may then have been acquired by him. This would account for the possession of it by his descendant the seventh earl, who allowed Mr. Anderson to engrave it. Finding that the Kelso charter had no connection with the abbey of Melrose, which had been sold by the sixth Earl of Haddington, either the seventh earl, or his son, the eighth earl, may have presented the Kelso charter to the Duke of Roxburghe. The late duke made a good use of it, in having it printed and lithographed in the Cartulary of Kelso. The theory here presented as to the custody of the Kelso charter may be confirmed or contradicted by evidence in the Roxburghe charter-chest. No document has been found in the Haddington charter-chest bearing on the history of the Kelso charter.[1]

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[1] To show the vicissitudes to which charters are liable, reference may be made to this very charter of Kelso. In 1856 the Archæological Institute of Great Britain held its annual meeting in Edinburgh, and application was made to the Duke of Roxburghe for the loan of it for exhibition. The charter could not be found at Floors Castle, where it was said to be ἐν κειμηλίοις. The duke being anxious to oblige the association, left a large party of visitors at Floors, and rode to Broxmouth, his East Lothian residence, in the hope of finding it there, but without success. Application was then made to the writer for information regarding the missing charter. He recollected that it was borrowed some years previously to 1856 by Mr. Innes for a special purpose, and omitted to be returned. This fortunately led to the discovery of the charter in time to be exhibited at Edinburgh.

Another early charter was engraved by Mr. Anderson in the "Diplomata," from the original in the custody of Thomas, seventh Earl of Haddington. But it is not now in the charter-room at Tynninghame, and it is not known if the original is preserved. It is a charter by King Alexander the Third, dated at Traquair on the 12th of December in the sixteenth year of his reign, 1265-6, confirming a donation which Alexander, the Steward of Scotland, made to Saint Mary of Melrose, and the monks there, of the lands and pastures of Mauchline and Cairntable.[1]

But notwithstanding the withdrawal of these valuable and interesting documents from the Haddington collection of manuscripts, enough have been preserved to form a volume of considerable interest.

THE BARONY OF TYNNINGHAME.

Among the many baronies acquired by Sir Thomas Hamilton, first Earl of Haddington, was the lordship of Tynninghame, in the parish of that name, and county of Haddington. It is situated on the river Tyne, and derives its name from its situation. Although the earl retained his town house in the Cowgate of Edinburgh, and the mansions of Barnbougle and others, after his acquisition of Tynninghame, he made it his principal country residence from the year 1628 till his death in 1637.

According to a family tradition, Sir Thomas Hamilton, the first earl, and Hob of Cessford, who was laird of Cessford, and ancestor of the Duke of Roxburghe, went to East Lothian on a land-purchasing expedition in the year 1628. The Earl of Haddington, then Earl of Melrose, purchased Tynninghame, and Robert, Earl of Roxburghe, purchased the neighbouring estate of Broxmouth. Both estates have continued in the families of the respective purchasers.[2] But although thus associated in purchase and descent in the seventeenth century, Tynninghame and Broxmouth had a much earlier association.

KING DUNCAN'S CHARTER OF TYNNINGHAME, 1094.

In the famous charter by King Duncan the Second to the monks of Saint Cuthbert, granted in the year 1094, Tynninghame is mentioned first and Broxmouth last—the lands of Auldhame, Scoughall, Knowes, and Hedderwick, being the other lands named. A controversy existed as to the authenticity of that charter. Mr. Anderson admitted the charter as genuine in his great work on the Charters of Scotland, where it is engraved as the earliest in his series.[1] The learned Mr. Thomas Ruddiman, who wrote the introduction to Mr. Anderson's work, argued in favour of the authenticity of the charter. The opinions of these two authorities are of great weight, as both had extensive experience of ancient Scottish charters. The charter has also been admitted in the National Manuscripts of Scotland, and placed there as the oldest charter connected with Scotland.[2] Lord Hailes, however, in his Annals, takes particular notice of this charter, and suggests doubts of its authenticity, but in a hesitating way;[3] and George Chalmers, another great authority, pronounces strongly against the charter of Duncan, but upon insufficient grounds.[4]

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[1] Diplomata, No. xxxvi.

[2] This tradition was related to the writer by the ninth Earl of Haddington, who inherited from his father much of his carefulness and accuracy of statement of facts. Broxmouth was a residence of George Home, Earl of Dunbar, whose landed estates were inherited by his daughter on his death in 1610, who thereafter disposed of them.

A contemporary of Lord Hailes, Mr. William Robertson, the senior of that name, formerly one of the deputy-keepers of the Records of Scotland, inspected at Durham, in 1793, the original charter by Duncan, and pronounced it to be genuine. He sums up very strongly against the charge of forgery which had been brought against it, and from his experience of ancient records and charters, his opinion is entitled to much consideration. He thinks it matter of congratulation that the charter of Duncan and those of his successor, King Edgar, were safely deposited in Durham, as they thus escaped the ruin in which the ecclesiastical muniments of Scotland were involved "by the destructive frenzy of our ruffian Reformers."[5]

But the most authoritative writer on the subject is the Rev. James Raine, who had the advantage of ready access to the original charters, as he resided at Durham, and held the office of librarian to the Dean and Chapter. In his valuable work on the History and Antiquities of North Durham, published in 1852, Mr. Raine has given an engraving of the charter and seal of King Duncan, and has also examined the arguments which have been urged against its authenticity, especially those of Chalmers. He has answered these in a very able and exhaustive manner. His arguments can leave no doubt of the genuineness of this charter of Duncan and of its being the oldest original charter connected with Scotland that is now known.[6] A facsimile of the charter is here given from the separate engravings made from the original for the Diplomata Scotiae, and for Mr. Raine's Durham, and carefully collated with the photozincograph of the charter in the National Manuscripts of Scotland.[7] A translation of the charter is also given:—

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[1] Diplomata Scotiae, No. IV.

[2] National MSS. of Scotland, Part I. No. II.

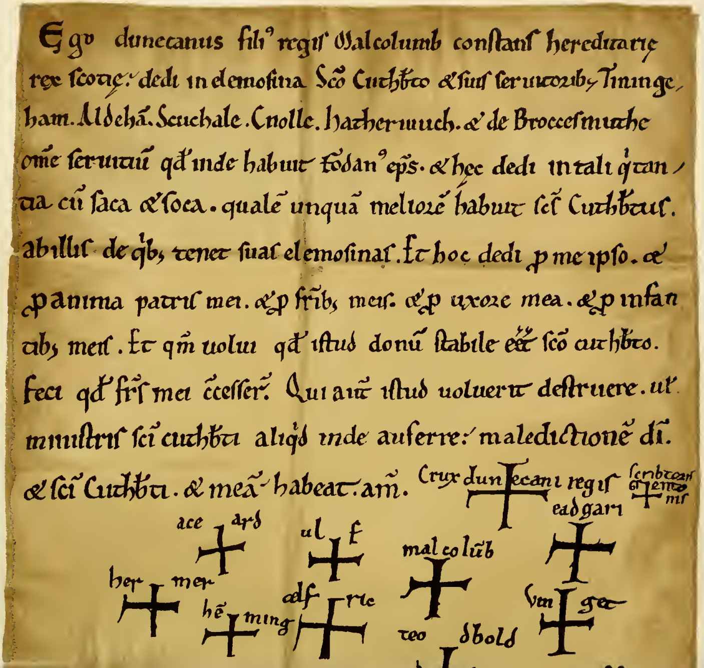
[3] Hailes' Annals, 1797, vol. i. p. 52, 53 *note*.

[4] Caledonia, vol. ii. Part i. p. 554.

[5] Index to Charters, by William Robertson, 1798, pp. 152-157.

[6] Mr. Raine's Durham, pp. 373-376.

[7] The late learned and lamented Chancellor of Durham, Mr. James Fleming, Q.C., with whom the writer was closely associated in many peerage cases, kindly offered him a letter of introduction to the Rev. Canon Greenwell, as the custodier of the ancient



Ego dunecanus fili⁹ regiſ Malcolumb conſtanſ hereditarię
rex ſcotię· dedi in elemoſina Sc̄o Cuthb̄to & ſuiſ ſeruitorib; Tininge-
ham. Aldehā. Scuchale. Cnolle. Hatheruuich. & de Broccesmuthe
om̄e ſeruitiū qd̄ inde habuit Fodan⁹ ep̄s. & hec dedi in tali q̄tan-
tia cū ſaca & ſoca. qualē unquā meliorē habuit ſc̄s Cuthb̄tuſ.
ab illiſ de q̄b; tenet ſuaſ elemoſinaſ. Et hoc dedi p me ipſo. &
p anima patriſ mei. & p frīb; meiſ. & p uxore mea. & p infan-
tib; meiſ. Et q̄m uolui qd̄ iſtud donū ſtabile eēt ſc̄o cuthb̄to.
feci qd̄ frēſ mei c̄ceſſer̄. Qui aūt iſtud uoluerit deſtruere. ul
miniſtriſ ſc̄i cuthb̄ti aliq̄d inde auferre: maledictionē dī.
& ſc̄i Cuthb̄ti. & meā habeat. am̄. Crux dunecani regiſ ſcribtoriſ Grentomiſ

eadgari

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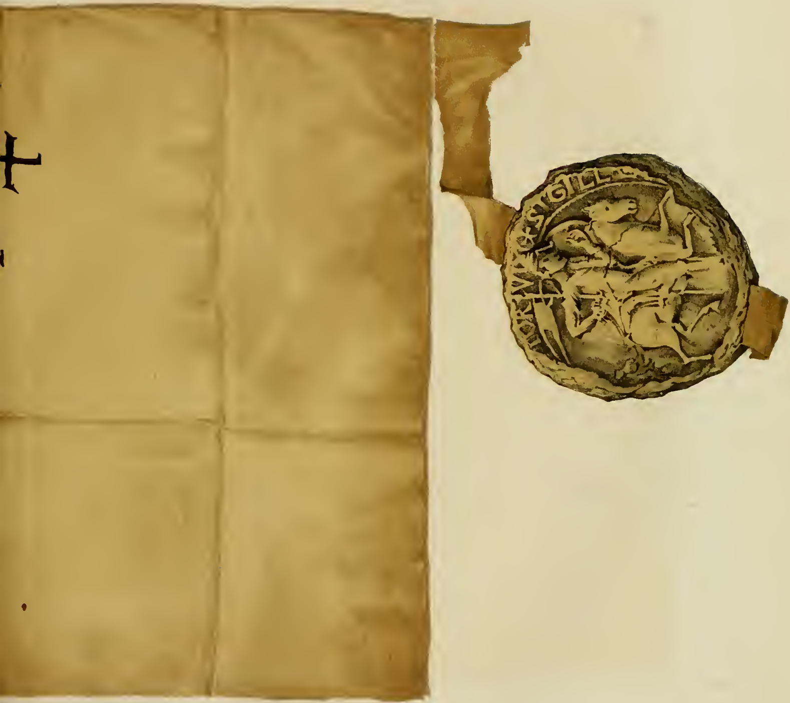
SIGILL

I, Duncan, son of King Malcolm, constant hereditary King of Scotland, have given in alms to Saint Cuthbert and his servants, Tynninghame, Auldhame, Scoughall, Knowes, Hedderwick, and of Broxmouth all the service which Fodan the Bishop had thence; and these I have given in such good quittance, with sac and soc, as Saint Cuthbert ever had from those from whom he holds his alms: and this I have given for myself, and for the soul of my father, for my brothers, and for my wife, and my children: and as it is my will that this gift should be made sure to Saint Cuthbert, I have caused my brothers to grant the same: and whosoever shall seek to destroy this, or take away anything from the servants of Saint Cuthbert, may he have the curse of God and of Saint Cuthbert, and mine. Amen.

✠ Aceard
✠ Hermer
✠ Hemming
✠ Ulf
✠ Aelfric
✠ Malcolumb
✠ Teodbold
✠ Cross of Duncan the King.
✠ of Eadgar
✠ Vinget
✠ Earnulf
✠ of Grento the writer.

SAINT BALDRED OF THE BASS.

But although Tynninghame is named in the earliest known Scottish charter of 1094, there are still earlier notices of it on record in connection with Saint Baldred of the Bass, an early Christian teacher in East Lothian, who founded the church of Tynninghame in the sixth century, and died there in the year 607. Many places in and around Tynninghame are named after the venerable saint, such as "St. Baldred's Well," a spring near the church, "St. Baldred's Whirl," a pool in the river Tyne, and "St. Baldred's Cradle," a large basin formed by the sea on the coast of Tynninghame.[1] Three centuries after the death of Baldred, the Danes in an incursion into Scotland in the year 941, destroyed the church and burned the village of Tynninghame.[2] In the time of King Malcolm the Maiden, the church of Tynninghame enjoyed the privilege of sanctuary or girth, as appears from that king's charter to the monks of Kelso, who obtained for their church of Innerleithen the same privilege of girth as Tynninghame and Stow.[3]

THE CHURCH RECORDS OF TYNNINGHAME AND THE HADDINGTON FAMILY.

The church records of the parish of Tynninghame are not preserved from an earlier date than 1615. A few notices from the earliest register, especially those bearing on

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charters at Durham with a view to their inspection. But on arriving there he found that the Canon had left for his holidays, and the opportunity was missed of inspecting these interesting charters.

[1] Caledonia, vol. ii. p. 542, *note*.

[2] *Ibid.* p. 544, *note*.

[3] *Ibid.* p. 545, *note*.

the family of the Earls of Haddington, may be interesting. Cases of discipline appear frequently in the records, for which the church had the usual appliances, the "jougs" for railers and scolds, who were abundant; and for other transgressors, the stool or pillar of repentance, which was constructed of mason and carpenter work, for at least two culprits. The most prominent among the proprietors of Tynninghame in the earlier part of the records, is "the Ladie" of Tynninghame, Isabella Hepburn, widow of Mr. George Lauder, Laird of the Bass and Tynninghame. In 1617 the masons "quha wer bigging the Ladyis hous," were cited before the kirk-session to answer for the offence of playing at golf on the Sunday, and were rebuked, being spared further penalties, because they were strangers in the parish.[1] It is probable that the building referred to was not the erection of a new house, but rather the repair of the old, as there was a mansion-house in the parish long before the date in question. In the following year "the Ladie Bass," with other heritors of the parish, was assessed for her share of a sum to be levied in terms of an Act of Parliament for "providing of basingis and laveris" for baptismal services, and "of cupis, tablis, and tabill claithis for ministration of the holie communion." The amount to be paid by the parish was fixed at £156, 5s. Scots, of which the "Ladie's" share was £121, 5s.[2]

About the year 1621 the property of Tynninghame changed owners, and John Murray, afterwards Earl of Annandale, became the chief heritor in the parish. The first notice of him in the records is an application through his factor, Sir James Baillie of Lochend, that he would continue to the schoolmaster the four bolls of victual formerly given yearly by Lady Bass. Lord Annandale, although he does not seem to have resided much, if at all, in the parish, gave a practical proof of his interest in it by presenting a Bible and bell for the use of the church. The Bible, which is still used in the church of Whitekirk at communion seasons, was that edition known as Barker's Bible, the date of the Old Testament being 1611, and that of the New 1617. The donor was thanked for his present by a special minute of session, "sett doun and registrat to his perpetual comendation and praise."[3]

The present of the bell caused a good deal of excitement in the parish. Hitherto the steeple of the church had apparently stood empty, but now the bell was to be hung, and funds had to be raised to meet the expense. The elders were specially convened to consult about the hanging of the bell, when it was agreed to take immediate advantage of the presence of an expert wright, David Bell of Cupar-Fife. To meet his charges it was proposed to devote the £156, 5s. Scots, which had been levied for the communion and baptismal vessels, to defray the new expense. This was consented to by the gentlemen and elders present, "becaus the parochin had the often use of the bell, and seldome the use of the uther." The hanging of the bell, however, led to other expenses; not only did the parishioners consent to be taxed again for the church furniture, but it was proposed to build a new pulpit, any balance from the bell fund going towards its erection. But the cost of the bell-hanging came to £159, 8s. 6d. Scots; so the additional sum, as well as the whole cost of the pulpit, was defrayed by the minister from his own purse, for "the better decorment of the kirk," he giving the sum "frelie of his awin accord to so gude ane use."[1]

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[1] Original Records of Tynninghame.

[2] *Ibid.*

[3] *Ibid.*

John Murray, Earl of Annandale, sold the barony of Tynninghame to the first Earl of Haddington in 1627. The parish records are defective at this period, and the first mention of the new proprietor is on 20th July 1628, when a collection is intimated on behalf of the people in Leith, "my Lord Haddington being in Edinburgh." A few months later, on 14th September, his presence at church with "all his family" is chronicled. A year later it is noted that the preacher was Mr. Brown, who was tutor to the earl's youngest son, Robert Hamilton. The following year, in August 1630, the earl was earnestly requested by the minister, on the occasion of a large take of herring, to aid in preventing Sabbath desecration, by sending his servants to guard the haven from those who sought to land fish on that day. He promised to do this, and the minister records thankfully that there was "littel or no prophanation."[2]

The earl is also indirectly referred to on 17th April 1631 in a question as to altering certain seats in the church, his consent being given through his commissioner, Ninian Chirnside. Incidentally we learn from an entry in September of same year, that he had subscribed 300 merks to a fund being raised for the distressed people of the Palatinate, evidently the Protestant subjects of the unfortunate Elizabeth, Queen of Bohemia. His departure for Edinburgh with his family on 24th October 1631 is also noted.[3] This appears to be the last notice of the first Earl of Haddington in the parish records. Neither his death nor his burial are recorded, which is somewhat remarkable, and it may be noted that while the earl directed by his will a donation to the poor of the parish where he died or was buried, no such donation is recorded at Tynninghame, although these were usually carefully commemorated.

It is worthy of notice, that some years before, so early at least as 1629, the minister of the parish objected to burials within the church. In that year he had levied a fine of ten merks for an interment in the church, which had taken place "sore against the minister his will," seeing he had "debarret many fra buryall in the kirk quha wer in use to bury befor in former tymes." This was done, no doubt, in obedience to an act of the General Assembly, in 1588, which strictly prohibited interments in churches. Other intruders within the kirk are treated of in an entry on 19th April 1635, which records a payment of six shillings for gunpowder to shoot the pigeons in the church, because they "fyled" the seats.[1]

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[1] The generous minister was Mr. John Lauder, who was for about fifty years minister of Tynninghame. He was probably one of the Lauders of the Bass. The duties which he undertook in taking order in the parish were very multifarious, including work which is now performed by the police.

[2] Original Records of Tynninghame.

[3] *Ibid.*

The second Earl of Haddington is also noticed several times in these records. He first appears as Lord Binning, and the burial of an infant child of his, aged eighteen months, is noted on 13th December 1630. Notices, still existing in a fragmentary condition among the parish papers, of his first wife, Lady Catherine Erskine, mark her as a good Christian, and one who was kind to the poor;[2] but there is apparently no reference to her in the records themselves. She died in 1635, and, according to a contemporary annalist, was buried at Tynninghame, though the fact is not stated in the registers, which, however, appear defective at that date. On 19th July 1635 Lord Binning's presence in church is chronicled.[3]

His departure for London in August 1637, is the first event recorded of him as Earl of Haddington; he took journey in "ane tempestuous day, being much rain, the water heir that nicht (17th August) being verie great."[4] In January 1640 he married Lady Jean Gordon, daughter of the Marquis of Huntly, and niece of the Earl of Argyll, and on 29th March, her first Sunday at Tynninghame, is commemorated by her presence in the church. Frequent references to the earl and his lady occur during the next few months—their presence together at the Lord's Supper, and at church; their visitors, the Earl of Argyll, the Earl of Dunfermline on his way from court, and others; a visit by them to Haddington, until a sudden end is brought to their married life by the explosion at Dunglas on 30th August 1640. Two days afterwards, the earl's body, with those of his two brothers and his brother-in-law, Colonel Erskine, was brought to Tynninghame and buried there, apparently in the churchyard, as no notice is made of the church, in the afternoon or evening of 1st September 1640.[5] His widow, the countess, removed a week or two later to Edinburgh, and the parish records name her no more.

Of Thomas, third Earl of Haddington, very little notice is taken. He is referred to as visiting Melrose in May 1642. He married Henriette de Coligny, a French lady, in August 1643, and in the following year they were at Tynninghame, where their retinue, partly composed of foreigners, caused some excitement. In August 1644 commissioners from the Presbytery waited on the earl to speak to him "anent some three or four Frenchmen, papists. The minister represented the same to the presbyterie before. My lord promised to put them away to France againe Martinmas neist, whereunto the presbyterie acquiesced, seeing thair was no hope of their conversion." The next reference to him is the notice of his death in February 1645. He is said to have "departit this lyfe verie Cristianlie and peaceablie."[1] Only one or two references to John fourth Earl of Haddington occur, the principal being his marriage with Lady Christian Lindsay, and bringing his wife to Tynninghame.

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[1] Original Records of Tynninghame parish. [2] *Ibid.* [3] *Ibid.* [4] *Ibid.* [5] *Ibid.*

OVERLORDS AND OWNERS OF TYNNINGHAME.

When the first Earl of Haddington purchased Tynninghame in 1628, he acquired a number of the charters relating to the lands. Without tracing from these and from other sources the successive owners of Tynninghame for the period between 1094, the date of King Duncan's charter, and 1250, when it had become the property of the bishops of St. Andrews, it may be sufficient to explain that it continued the property of the see of St. Andrews for the next three centuries. In the beginning of the sixteenth century, Andrew Forman, archbishop of St. Andrews, granted leases of the barony of Tynninghame to Sir Robert Lauder of the Bass for five years from 1516, and again for nineteen years from 1517, for payment of the rents specified. The lease, dated 28th July 1517, contains also a power of bailiary over the barony and regality of Tynninghame.[2] John Hamilton, archbishop of St. Andrews, founded the college of St. Mary's in St. Andrews in the year 1552, and conferred upon it the kirk lands of Tynninghame, with the patronage of the church.[3] The masters of the new college thus became superiors of these parts of Tynninghame. In addition to them, several distinguished statesmen appear in connection with the lands of Tynninghame, so that there are appended to the feudal writs of Tynninghame in the Haddington charter-chest, signatures of several of the archbishops of St. Andrews, and of the masters of the new college of St. Mary's. Some of these are reproduced on the following page, and include those of Cardinal Beaton, Andrew Melville, and Samuel Rutherford, all of whom were eminent ecclesiastics, along with the signatures of James, Earl of Bothwell, and William Maitland of Lethington, the famous secretary of Mary, Queen of Scots. It is rare that such a collection of writs by so many distinguished men are to be found in one charter-chest, while the holograph instrument of John Knox, also given in this introduction, is believed to be unique.

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[1] Original Records of Tynninghame parish.

[2] Vol. ii. of this work, p. 245.

[3] That grant promoted the interest of St. Mary's college at the expense of the parish of Tynninghame, which appears to have been then neglected. This continued after the Reformation, as in the year 1565 the parishioners complained to the General Assembly that they had no preaching or administration of the sacrament. The masters of the new college promised to satisfy for the future, but there were frequent murmurs notwithstanding.

Dauid Cardlis
Sanctandrew

Andreas Melvinus collegii præf.

Samuel Retorfortus professor
S. Theologiæ in collegio Mariano

Wm maitland

James Erll Bothuille

While Tynninghame was held by the archbishops of St. Andrews, a formidable rival for possession of the barony appeared in the person of King James the Fifth. James Beaton, archbishop of St. Andrews, and his chapter, were induced to grant to James Stewart, eldest natural son of the king, whom failing, to James Stewart, his second brother, whom failing, to James Stewart, his third brother, whom failing, to Robert Stewart, their brother, another natural son of the king, and their heirs, the lordship of Tynninghame, with the office of bailiary of the whole lordship, as well property as tenandry thereof, in the regality of St. Andrews, for payment of the sums therein specified.[1] The charter was confirmed under a commission from the pope on 11th December 1536.[2]

James Stewart of Tynninghame had already been provided to a still more valuable living than his East Lothian barony. Archibald, Earl of Angus, was forfeited in the year 1528, and his extensive estates of Douglas were in 1534 provided to James Stewart of Tynninghame, who assumed the designation of James, Lord Douglas. In February 1537, he, with consent of his curators, granted a lease to Robert Lauder of the Bass of the barony and lands of Tynninghame, which he had in possession, for nine years after the date of the lease.[3] To that lease the signatures of the king and of "James, Lord Douglas," and his curators, are adhibited, and also the seal of the granter. The seal is of some heraldic interest, being hitherto unknown. It bears the royal lion of Scotland, debruised by a bend. The bend is from dexter, probably a mistake for sinister. The shield is surmounted by a helmet and mantling, without a crest. There is no double tressure, and there are no supporters. But what is remarkable is the legend "Sigillvm Jacobi Comitis de Dowglas." This designation of Earl of Douglas may have been used in the belief that the king would make his son Earl of Douglas, as he had obtained the territorial earldom of Douglas, or the engraver may have made a mistake of earl for lord. The seal is a large one, but it is not a fine specimen of the art of engraving.[4] James Stewart of Tynninghame, Lord Douglas, was afterwards made commendator of the great abbeys of Kelso and Melrose,[5] and being thus amply provided for, he surrendered the lordship of Tynninghame and office of bailiary in favour of his brother, James Stewart, then commendator of the priory of St. Andrews, afterwards created successively Earl of Mar and Earl of Murray, and well known as regent of Scotland. The surrender appears to have been made in 1557, and the prior of St. Andrews was infeft in the barony of Tynninghame on the 25th September of that year.[6]

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[1] 9th July 1535. Vol. ii. of this work, pp. 254, 255.

[2] *Ibid.* pp. 255, 256.

[3] *Ibid.* pp. 256, 257.

[4] Original lease in Haddington Charter-chest.

[5] 5th December 1554. Vol. ii. of this work, p. 262 James Stewart also granted a charter of alienation to Robert Lauder of the Bass of the lordship of Tynninghame, with the bailiary of the lordship, to be held of John, Archbishop of St. Andrews. That charter was confirmed by John, Archbishop of St. Andrews, on 17th May 1555.

[6] Old Inventory of Tynninghame Writs.

As already stated William Maitland of Lethington also appears in connection with Tynninghame. The Regent Murray and Secretary Maitland had many public transactions which are historical; but their private arrangements about the barony of Tynninghame have not hitherto been made known. Murray retained the barony for five years, and his sale of it to Maitland appears to have been made in 1562, as the sasine thereon is dated 16th February of that year.[1] But Tynninghame soon again changed owners. As will be seen, the secretary did not retain it much longer than the regent had done.

During all this time the lordship of Tynninghame had been the residence of the Lauders of the Bass as tenants and bailies. In 1542, when Cardinal Beaton was archbishop of St. Andrews, a commission was granted by him to renew the grant of Tynninghame to Robert Lauder of the Bass, and to Robert Lauder, his grandson, whom failing, successively to John, James, George, Alexander, and William Lauder, brothers-german of Robert Lauder, younger, and the heirs-male of their bodies, whom failing, to the heirs-male whomsoever of the body of Robert Lauder, younger, whom also failing, to Alexander Lauder, second son of the said Robert Lauder of the Bass, and the heirs-male of his body, whom failing, to the nearest lawful heirs-male of the house, surname and blood of Lauder of the Bass, carrying their arms for the time, etc.[2] In 1560, James Stewart granted to Robert Lauder of the Bass a lease of the lands, lordship, or barony of Tynninghame for seven years after the redemption thereof, conform to a reversion made by Lauder.[3] During Maitland's tenure of Tynninghame, he and Mary Fleming, his spouse, entered into a contract of excambion with Robert Lauder of the Bass and Sir Robert Lauder of Popil, knight, his son and heir, on the 22d and 23d September

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[1] Old Inventory of Tynninghame Writs.

[2] Vol. ii. of this work, p. 258, No. 357. Robert Lauder, the first of the Lauders of the Bass, obtained a grant from William Lamberton, bishop of St. Andrews, of that part of the island of the Bass belonging to the see of St. Andrews, dated 4th June 1316. The reddendo was a pound of white wax, payable at Whitsunday yearly to the bishop and his successors at Tynninghame [charter printed in "The Bass Rock," etc., 1848, p. (41)]. Sir Robert Lauder, knight, laird of the Bass, was, along with several other neighbouring barons, a witness to a charter by James, second earl of Douglas (1384-1388), to John Kerr, of the lands of Samuelston, and Sir Robert is there designated cousin of the granter [vol. ii. of this work, p. 225, No. 282]. In reference to the condition in the charter of 1542, quoted in the text, as to bearing the surname and arms of the Lauders of the Bass, the seal appended to a charter dated 31st May 1621, by George Lauder of the Bass to Robert Lauder, son of the late George Lauder, in Tynninghame, of certain acres in the lordship of Tynninghame, shows the armorial bearings borne by the Lauder family at that date to have been, a shield, bearing a griffin, rampant, surrounded by a double tressure flory and counter flory; crest, a gannet or solan goose: motto, under shield, defaced: Supporters, two female figures with wings expanded; legend, "Sigillum Georgii Lavder Baronis de Bass." [Original charter at Tynninghame.] These arms are noted as they differ in crest and supporters from those now carried by the present representative of the Lauders of the Bass.

[3] Lease, dated 24th October 1560, vol. ii. of this work, p. 265.

1568. It was thereby agreed that for eleven thousand merks, and for the lands of Stevenston and others therein specified, paid, given, and disponed by Sir Robert Lauder to William Maitland, the lands and lordship of Tynninghame, and the office of bailiary of the same, should belong to Sir Robert.[1]

The family of Lauder also acquired the lands of Knollis or Knowes, from a family of that name, and the Kirklands or Kirklandhill of Tynninghame, from the family of Hepburn of Kirklandhill.[2] After their purchase of Tynninghame, the Lauders mortgaged the lands to several persons who had lent them large sums of money under reversions. These mortgages the Lauders were never able to redeem, and after long struggling with them they had reluctantly to yield to a sale. They first applied to the Earl of Melrose to purchase from them several small "roumes" or pieces of land in the Lammermuir, which were convenient for his sheep when his lordship lived at the Byres. He saw then the pecuniary difficulties of the Lauders, and that they would be obliged to sell Tynninghame. He warns his friend, John Murray, to prepare money for the price. Lord Melrose assures Murray that he would not give five shillings to the Lauders if he, Murray, wished to be the purchaser of Tynninghame.[3] Soon after the date of that letter, "The Laird and Lady Bass" sold Tynninghame to John Murray, afterwards Earl of Annandale, Lord Murray of Lochmaben, for 200,000 merks, by contract of sale, dated 2d June 1621.[4] He retained Tynninghame only for about six years when he sold it to Thomas, first Earl of Haddington, for the same price of 200,000 merks which he had paid to the Lauders.[5]

Thenceforward Tynninghame was the principal country residence of the first and subsequent Earls of Haddington, including the present eleventh earl. It is impossible to say what kind of habitation existed on Tynninghame at the date of the charter by King Duncan in 1094. But there was probably a mansion there from an early date. The lairds of Bass appear to have occupied their island residence during summer months, and retired to a family residence in North Berwick during winter. After they acquired Tynninghame they occasionally resided there. It has been already seen that in 1617 Isabella Hepburn, Lady Bass, made additions to the mansion of Tynninghame. In the library of Tynninghame there are still several old folio volumes bearing the name of Lauder of the Bass, and these may have been acquired at the purchase of the estate in 1628.[1] But whatever the mansion-house of Tynninghame was during its possession by the bishops of St. Andrews, or before the accession of the sixth Earl of Haddington, the celebrated planter of its famous woods, we know that in the time of his great-grandson, the eighth earl, it was a large old Scottish mansion, with no pretensions to architectural effect, although it appears to have been thoroughly repaired by the sixth earl. On the succession of the ninth earl, in 1828, Mr. William Burn was commissioned to make large alterations and additions to the mansion. Having the advantage of sea-coast, river, and wooded inland, Tynninghame is one of the most beautiful and enjoyable of Scottish mansions. Its situation is very prominent and picturesque from the east, where at a distance its towering turrets are seen to great advantage.

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[1] Vol. ii. of this work, p. 277. The feudal title of Sir Robert Lauder, knight, to Tynninghame, was completed by charters from Maitland, John, archbishop of St. Andrews, and King James the Sixth in the years 1569, 1570, and 1572.—[Old Inventory of Tynninghame Writs.]

[2] Old Inventory of Tynninghame Writs; vol. ii. of this work, p. 283.

[3] Letter dated 19th June 1621, Melros Papers, vol. ii. p. 404. At the time that John Murray was endeavouring to arrange with the Lauders for the purchase of Tynninghame, he sent the Earl of Melrose a present of "buskins and gloves." These are acknowledged in a letter from the earl, dated 6th February, said to be in 1623; but the year is a mistake for 1621. The earl writes that his lordship has armed him against the extraordinary cold of the season, which obliges him to employ hands, feet, and heart, and all to perform his lordship's commands.—[*Ibid.* p. 497.]

[4] Old Inventory of Tynninghame Writs. John Murray, Earl of Annandale, being a Court favourite of King James the Sixth, was provided to many lands and baronies, chiefly in Annandale and county of Dumfries, in addition to his ancient family estates of Cockpool.

[5] Old Inventory *supra*, and contemporary copy bond by Thomas, Earl of Haddington, to John, Earl of Annandale, dated 27th February 1628, for part of price, in Haddington charter-chest. The Murray-Annandale dignity only lasted for two generations. On the death of the second Earl in 1658, without issue, his title became extinct.

THE HAMILTONS IN EAST AND WEST LOTHIAN.

But although Tynninghame has been the cherished home of the Earls of Haddington for so many generations, their family connection with the county of Haddington was of much earlier date. In the chapter on the origin of the family of Hamilton it is shown[2] that the Haddington family are descended from the earliest cadets of the great ducal

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[1] Situated about one and a half miles from the shore, the great rugged rock called the Bass is ecclesiastically in the parish of North Berwick. Part of the payment to the vicar of the Bass appears to have been twelve solan geese entire, with the feathers on, and these continue to be paid to the parish minister of North Berwick. As owners of the Bass the Lauders had a family burying-place in or connected with the "Auld Kirk" of North Berwick, which stood close to the sea near the present harbour. The burying-place of the Lauders is marked by a large flat stone in the centre of the green area. Some years ago, in the time of the late Sir Hew Dalrymple, baronet, of North Berwick, the sea, in a storm, washed out the buried bones of former Lauders. Sir Hew wrote to the late Sir John Lauder asking him as to the disposal of the bones of his ancestors. His answer, as Sir Hew told us, was rather irreverent: "Send them to the nearest bone-mill." Access to the Bass Rock is only obtained by boats or ships. An old couplet refers to its inaccessibility by land, as well as to the impregnability of a neighbouring castle :—

"Ding doun Tantallon,
Mak a brig to the Bass."

[2] *Infra*, p. 6.

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House of Hamilton, the Hamiltons of Innerwick, in the parish of that name in East Lothian, who flourished there for upwards of two centuries and a half, from the time of King Robert the Second till the reign of King Charles the First, when they appear to have alienated Innerwick. In "The Antiquities of Scotland," by Francis Grose, 1789, there is an engraving of Innerwick Castle as it existed in 1787,[1] standing on a "craggy foundation" on the brink of a ravine. A minute account of the taking of the castle by the Protector Somerset in his expedition into Scotland on 6th September 1547 is also given. The keepers of the castle made active preparations for its defence. They "barricaded the doors and the stairs within. They went aloft for defence above the battlements, but the hakbutts got in and fired them underneath, which so troubled them with smoke and smother" that they were forced to surrender. Somerset wished to pardon them on account of their bravery, and notwithstanding their "great obstinacy," as it was called, sent a messenger to them. But ere he arrived the "hakbutters had gottin up to them, and killed eight of them aloft. One lept over the walles, and running more than a furlong after, was slain without in a water."[2]

The siege of this castle by Somerset was re-enacted a century later when Sir James Hamilton of Redhall in Midlothian, then representative of the Hamiltons of Innerwick, stayed the victorious march of even a greater protector than Somerset—the irresistible Oliver Cromwell himself. In 1650 Cromwell attacked Hamilton's Castle of Redhall, and met with a stout resistance from Sir James and his co-defenders till their powder failed. Cromwell then saw his opportunity, and, approaching with "pittardis," blew up the doors and windows, took the defenders prisoners, stripped them naked, and spoiled them of all their money, goods, etc. Sir James Hamilton was set at liberty on account of his valour in the defence of the fortalice.[3]

Sir James Hamilton acquired Redhall through his marriage with Anne Otterburn, eldest daughter of Sir Thomas Otterburn of Redhall, knight, before 24th September 1616, when there is a Crown charter to them of these lands. Of that marriage there were issue two sons, Sir James Hamilton and Andrew Hamilton, who succeeded Sir James, and both of whom were probably engaged in the defence of their castle against Cromwell. The old castle of the Otterburns stood on a high tableland overlooking the Water of Leith, of which the steep banks formed a natural defence on the west, and also partly on the north and south sides. It must have been from the east side that Cromwell directed his attack. The besieged castle was pulled down by the ancestor of the present proprietor, when he built the new mansion-house of Redhall about the middle of last century. The draw-well is now built up, and the only vestiges of the old besieged castle of Redhall now remaining are the red stones of which it was built, which have been largely used in the modern walls surrounding the park, and a large armorial stone, having the arms of the Otterburn family very finely sculptured, and still in excellent preservation, although they may have been carved three centuries ago. They may thus be described:—Argent, guttee sable, a chevron between three otters' heads couped of the last, on a chief, azure, a crescent, or. Supporters, two wyverns. Crest, an otter's head couped. Motto, De virtute in virtutem.[1]

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[1] A later artist, the Rev. John Thomson of Duddingston, made Innerwick Castle the subject of one of his beautiful landscapes.

[2] One of the exploits of the patriot Wallace is said to have occurred at Innerwick, according to his poetic biographer, Harry the Minstrel.

[3] Statistical Account of the parish of Colinton, 1845, vol. i. p. 113.

The armorial bearings of the Hamiltons of Innerwick, as engraved on a seal of arms of Sir James Hamilton in 1670, are, first and fourth, three cinquefoils within a bordure having thereon eight buckles; second and third, a fess cheque within a bordure invected. Crest, a cock. In a pedigree of the Innerwick family, bearing date 1697, the crest is a tree cut through the trunk by a handsaw. Motto, "Saw Through." Another motto of the family was "Averte velocem omnipotens iram." Male representatives of the family existed in America at a comparatively recent date.

HOLOGRAPH WRITING BY KING JAMES THE FIFTH.

One of the inherited residences of the first Earl of Haddington was Priestfield, now Prestonfield, adjacent to Edinburgh on the east. It was the property of his immediate predecessors for three generations. In the account of the Hamiltons of Priestfield, it has been explained[2] that Walter Chapman, the first printer in Edinburgh, was previously owner of the lands of Priestfield. He was a prosperous tradesman, and acquired landed property in and around Edinburgh—including the lands of Ewerland at Cramond, and also lands in Fife.

In the Prestonfield charter-chest there is preserved a letter of some interest. It is addressed by King James the Fifth to the provost and bailies of Edinburgh on behalf of his daily and familiar servitor, George Steell, who wished to feu from the burgh the lands called the common mire. After writing a formal letter of request, the king adds a special postscript in his own holograph to the provost. As the handwriting of King James the Fifth, apart from his signature, is very rare, a facsimile of the entire letter, with the postscript and the seal, is given here, while it is printed at length in the second volume. The common mire still forms part of the estate of Prestonfield,

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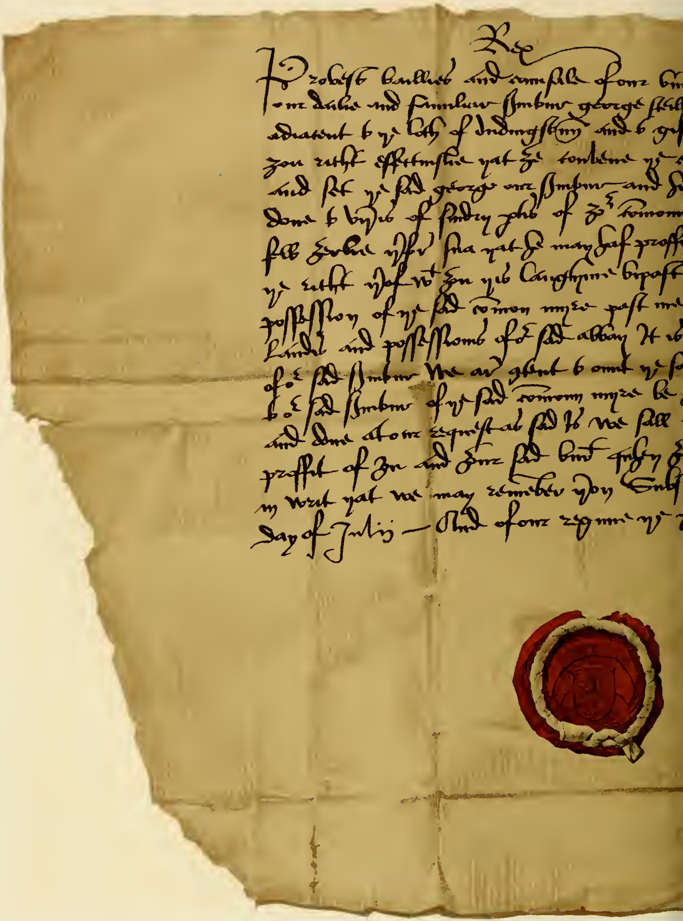
[1] Mr. David Chalmers, the only surviving nephew of the illustrious divine of that surname, is the present much respected occupier of the mansion-house of Redhall. He is well informed in all that relates to the history of the place with which he has been long and honourably connected. He obligingly furnished a photograph of the Otterburn armorial stone, and afforded much information about the besieged castle.

[2] *Infra*, p. 20 *et seq.*



Rex

To provest baillies and counsale of oure bur
oure dalie and familiar servitour george sch
adiacent to ye lith of dundingstoun and to g
zou richt effectuuslie yat ze tollerne ye
and sik ye said george oure servitour and h
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possessioun of ye said comoun myre past m
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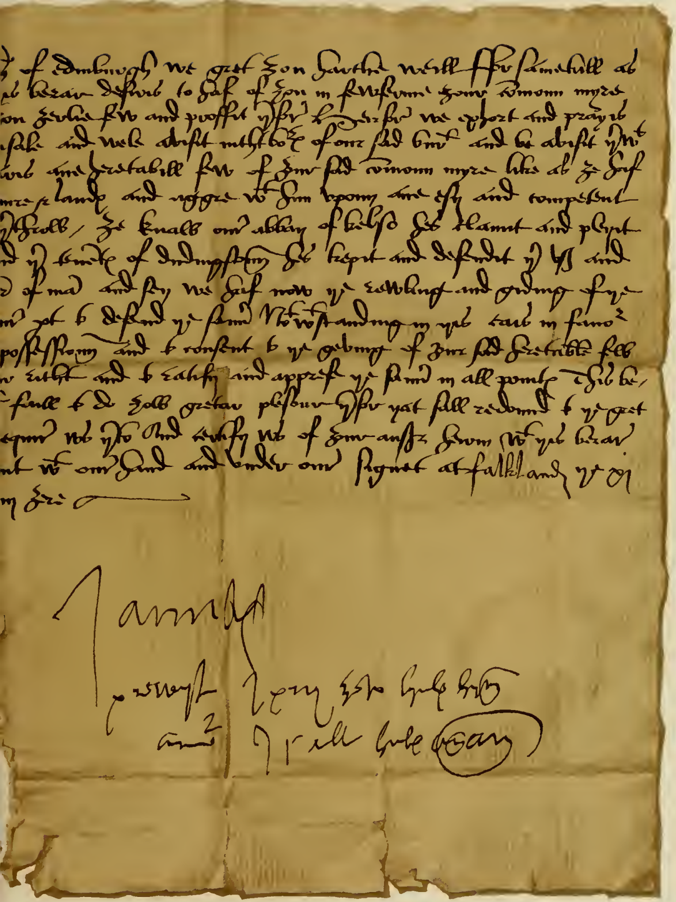
and done at oure requist as said is we sall
proffit of zou and zour said burgh [illegible]
in writ yat we may remember yow Subs
day of Julij — And of oure regnne ye



of Edinburgh we greet yow hertlie weill fforsamekill as
as berar desyris to haif of yow in fewferme your commoun myre
son yeirlie few and proffit yairfor [illegible] we exhort and prays
[illegible] and weill avisit [illegible] of our said burgh and be avisit yairw^t
[illegible] and ressonabill few of your said commoun myre lik as ye haif
[illegible] landis and [illegible] w^t him upoun ane esy and competent
[illegible] ye knaw our abbay of kelso hes clamit and pleyit
[illegible] the landis of Dudingstoun hes kepit and defendit [illegible] and
[illegible] of mad and sen we haif now the ressaving and geving of the
[illegible] yat to defend the samin notw^tstanding in yis caus in [illegible]
possessioun and to consent to the geving of your said ressonabill fee
[illegible] and to ratify and apprief the samin in all pointis [illegible]
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[illegible] us [illegible] of your ansuer [illegible] w^t yis berar
[illegible] w^t our hand and under our signet at falkland the [illegible]
[illegible]

James

BARNBOUGLE AND DALMENY.

Barnbougle, the ancient mansion of the Moubrays, was also an acquisition by the first Earl of Haddington, and was purchased from Sir Robert Moubray. Lord Haddington, then Lord Binning, was residing there in September of the year 1614, and dates a letter thence to his friend John Murray of Lochmaben, afterwards Earl of Annandale.[1] Lord Binning also dates a letter to the Earl of Argyll from Barnbougle, on 16th October 1615.[2] The lands continued in the Haddington family till the year 1662, when John, fourth Earl of Haddington, sold Barnbougle and Dalmeny to Sir Archibald Primrose, for 160,000 merks.[3] Barnbougle formed the residence of his descendants, the Earls of Rosebery, till about the year 1820, when it was dismantled, after the newly-built mansion of Dalmeny Park became the residence of the family. The present Earl of Rosebery has rebuilt the old Castle of Barnbougle as an additional residence for the family. The library contains many valuable books and manuscripts acquired by the present accomplished owner. In it is also placed Boehm's full-sized statue of Thomas Carlyle, and marble busts, by the same artist, of Mr. Gladstone and Mr. Bright.

OTHER HAMILTON MANSIONS IN THE LOTHIANS.

Besides the Earls of Haddington, other noted branches of the Hamilton family made acquisitions in the three Lothians. In East Lothian Sir John Hamilton of Biel, in the parish of Stenton, was, for his loyalty to King Charles the First, created Lord Belhaven and Stenton, in 1647. His grandson, through a daughter, was John Hamilton, the second Lord, who made so prominent a figure in the Parliament of Scotland in opposition to the Union between Scotland and England. His burning eloquence inflamed the popular mind against the Union, but evoked the irony of many of his contemporaries. Amongst these was his kinsman, Thomas, sixth Earl of Haddington, who, in his correspondence with John, Earl of Mar, an active promoter of the Union, refers sarcastically to the hostility of Lord Belhaven. In a letter dated Tynninghame, the last of June 1707, Lord Haddington writes to "Dear Mar" that "Belhaven was here the other day, just as the Duke was going to his coach, and the first question he ask't was if I liked the Union as well as I did. I told 'yes.' 'Then the divell take me,' says he, 'if ever I believe a word you say, or ever ask any more questions.' We, to plague him, shew'd him verses upon the Union att which he swore heartyly. He, as you know, is making fine pavillions, and puts on inscriptions about the Union on the windows, which I shall let you know as soon as I have seen them. *A propos* to inscriptions, I beg you would send me a double of that upon Mrs. Campion's tomb."[1] In the following month of July 1707, the Earl of Haddington writes to "Dear Mar," returning "a great many thanks for the inscription. I assure you Belhaven's is far short of it, for it is only a part of one of Salton's speeches put in Latin: '1707 Traditionis Sco: Anno 1^{mo},' but he thought so little of it himself that it is only on the door of a coallhous."[2]

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[1] Melros Papers, vol. i. p. 172. [2] *Ibid.* p. 238.

[3] The eighth Earl of Haddington has recorded to the credit of his ancestor, the fourth Earl, that Barnbougle and Dalmeny were the only portion of the vast estates acquired by the first Earl which he parted with. In the Haddington Charter-chest there is preserved a procuratory by Janet Striveling, daughter and heir of the deceased Andrew Striveling of Cadder, with consent of Thomas Bishop, now her spouse, for resigning the lands of Craigbrie of Dummany, in the barony of Dummany and shire of Linlithgow, into the hands of [John] Mowbray, son and heir-apparent of Robert Mowbray of Barnbowgall, and of Barbara Mowbray, his spouse, as superior for a new charter of the lands to be given to William Hamilton in Pardovan, elder. Dated 23d March 1541-42. On 6th August 1651 General Monck granted a pass to the Countess of Haddington to travel to Barn Buggill about her own affairs by sea or land, with her servants and necessaries. [Vol. ii. of this work, p. 188.]

The father of that anti-unionist, Lord Belhaven, was Robert Hamilton of Barncluith, in the county of Lanark. When he was appointed a senator of the College of Justice, he took the title of Lord Presmennan, from a portion of the estate of Biel so named. Another East Lothian Hamilton property was Pencaitland, in the parish of that name. The immediate younger brother of the anti-unionist, Lord Belhaven, was James Hamilton of Pencaitland, who obtained a Crown charter of the barony on 3d July 1696. He became a Writer to the Signet, and was appointed a lord of Session with the title of Lord Pencaitland. He was the ancestor of two ladies, not long passed away, who were well known in modern society—Mary Hamilton, Lady Ruthven of Pencaitland and Winton, and her sister, Hamilton Hamilton, Lady Belhaven and Stenton. All these Hamilton properties of Biel, Presmennan, Pencaitland, and Innerwick, now belong to Mrs. Constance Nisbet Hamilton Ogilvy, as the successor of the late Lady Mary Nisbet Hamilton and her husband, Robert Adam Dundas Nisbet Hamilton, who were both held in great respect in East Lothian.

Another branch of the Hamilton family in East Lothian was that of PRESTON. It is an ancient branch, but not "the most ancient cadet of the House of Hamilton," as has been claimed for it. The late learned and eminent Sir William Hamilton, advocate, and professor of logic and metaphysics in the University of Edinburgh, was the heir-male of the family. He was, on 24th July 1816, served heir-male in general to Sir Robert Hamilton of Preston, the fifth of that name. The castle of Preston was burned by Cromwell after the battle of Dunbar, and it is said that the title-deeds and other muniments of the descent of the family were then totally destroyed.[3]

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[1] Vol. i. of this work, p. 252.

[2] *Ibid.* p. 252.

[3] Anderson's House of Hamilton, 1825, which contains a very elaborate account of the Hamiltons of Preston, p. 339 *et seq.*

The Hamiltons of SAMUELSTON, in the parish of Gladsmuir, were another branch of the house of Hamilton, Sir John Hamilton of Clydesdale, natural son of the first Earl of Arran, being the founder of this family. He acquired Samuelston with his wife, Janet Home, eldest daughter and heiress of Alexander, third Lord Home. Janet Home succeeded to Samuelston in right of her grandmother, Nicholas Ker, Lady Home, the heiress of these lands. Sir John Hamilton and Janet Home had a Crown charter of Samuelston on 24th August 1531. These lands were first granted by James, second Earl of Douglas (the hero of Otterburn) to John Ker, son of Richard Ker, between the years 1384 and 1388,[1] and various charters in this work deal with later members of the family down to George Ker of Samuelston, and Marion Sinclair, his wife, whose only daughter and heiress, Nicholas Ker, married Alexander, second Lord Home. Janet Home, daughter of Alexander, third Lord Home, and granddaughter of Nicholas Ker, received a grant of the lands of Samuelston from her uncle George, fourth Lord Home, on her marriage with John Hamilton, natural son of James, first Earl of Arran.[2] Elizabeth Home, however, sister of Alexander, third Lord Home, and the divorced wife of the Earl of Arran, had liferent rights over the lands, which are dealt with in an instrument which has a peculiar interest of its own, not because of its contents, but because of the fame of its writer.

HOLOGRAPH WRITING BY JOHN KNOX, THE REFORMER.

The writing here referred to is a notarial instrument written with his own hand by John Knox, the champion of the Reformation in Scotland, in the character of a notary public, and while still apparently in communion with the Roman Catholic Church. He mentions his own name among the witnesses as Sir John Knox, an appellation usually denoting priestly or canonical rank; and in his notarial docquet he speaks of himself as a minister of the sacred altar, of the diocese of St. Andrews, and notary by apostolic authority. The words attached to Knox's own signature, however, " John Knox, a faithful witness through Christ, to whom be glory, amen," seem to imply that he had strong leanings towards the Protestant faith, although it was not until two years later, in 1545, that he openly avowed himself an adherent of the reformer, George Wishart. The document is also interesting as being the longest and most authentic specimen now extant of the reformer's own handwriting. A facsimile of this instrument is here given, along with a print of the entire document, while an abstract of the more important portions of it will be found in the second volume.[3]

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[1] Vol. ii. of this work, p. 225.

[2] *Ibid.* p. 252.

[3] *Ibid.* p. 259.

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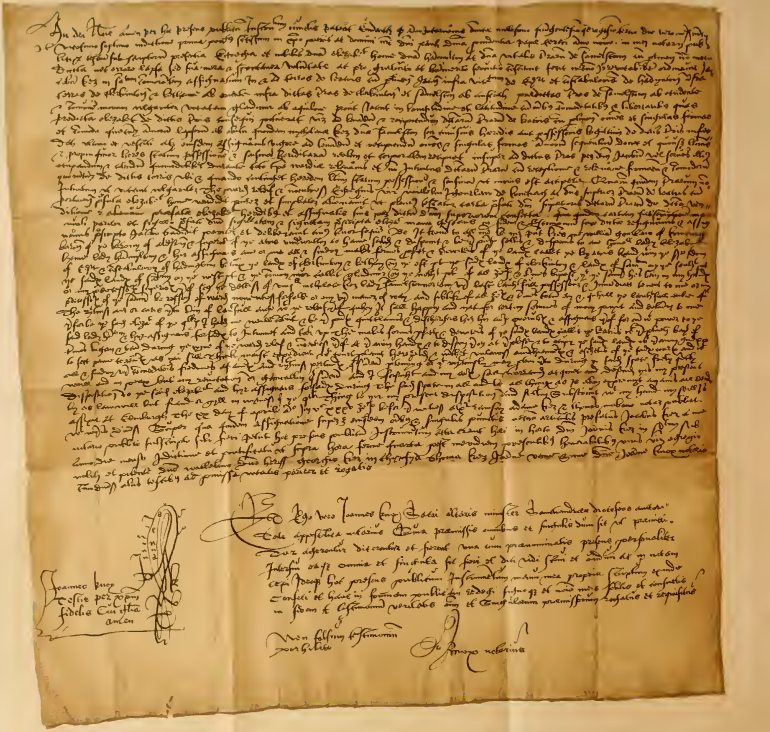
[1] Vol. ii. of this work, p. 225.

[2] *Ibid.* p. 252.

[3] *Ibid.* p. 259.



Joannes Knox
testis per Xpm
fidelis Cum ista
amen

Et ego vero Joannes Knox sacri altaris minister Sanctiandree diocesis auctoritate
apostolica notarius Quia premissis omnibus et singulis dum sic ut premittitur
agerentur dicerentur et fierent una cum prenominatis testibus presens personaliter
interfui eaque omnia et singula sic fieri scivi vidi et audivi ac in notam
cepi Ideoque hoc presens publicum instrumentum manu mea propria scriptum exinde
confeci et hunc in formam publicam redegi signoque et nomine meis solitis et consuetis
in fidem et testimonium veritatis omnium et singulorum premissorum rogatus et requisitus

Non falsum testimonium
perhibebis

[illegible] notarius

In Dei nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno incarnationis Dominicæ millesimo quingentesimo quadragesimo tercio, die vero mensis Marcii vicesimo septimo, indictione prima, pontificatus sanctissimi in Christo patris ac domini nostri domini Pauli, diuina prouidentia papæ tercii, anno nono, in mei notarii publici et testium subscriptorum presentia, egregia et nobilis domina, Elezabeth Home, Domina Hammylton, ac domina vitalis terrarum de Sammelstoun cum pertinentiis, non metu ducta nec errore lapsa, sed sua mera et spontanea voluntate, ac pro gratuito et benemerito seruitio constituit, fecit, necnon irrevocabiliter ordinauit Jacobum Ker in Sammelstoun commorantem, assignatum in et ad terras de Leacris cum pertinentiis, jacentes infra vicecomitatum de Edinburght et constabulariam de Hadyntoun, infra terras de Clerkintoun et Lethame ab oriente, infra dictas terras de Clerkintoun et Sammelston ab australi, praedictas terras de Sammelstoun ab occidente, et communem moram wlgariter vocatam Glaidmur ab aquilone, prout jacent in longitudine et latitudine, cum omnibus commoditatibus et libertatibus, quas predicta Elezabet de dictis terris consequi potuerat, videlicet, ad leuandum et recipiendum dictarum terrarum de Leacris cum pertinentiis omnes et singulas firmas et commoda quecunque annorum lapsorum ab obitu quondam Nycholaiæ Ker, Dominæ Sammelston, seu cuiusuis hæredis aut possessoris legittimi de dictis terris infeodati vltimo et vestiti, atque eiusdem assignationis vigore ad leuandum et recipiendum omnes et singulas firmas annorum sequentium, donec et quousque legitimus et propinquior heres statum, possessionem et saisinam heriditariam, realem et corporalem, recipiat; insuper ad dictas terras per dictum Jacobum vel seruos illius ocupandum et colendum quomodolibet durante toto tempore wardiæ, releuationis et nonintroitus dictarum terrarum, cum receptione et releuatione firmarum et commodorum quorumcunque de dictis terris vbi et quando continget heredem legitimum statum, possessionem et saisinam, vt moris est, accipere; quarumquidem terrarum nonintroitum, vt vocant wlgariter *the ward, releif and nonentres*, egregius vir, Willelmus Gourlaw de Kincrag, ac dominus superior terrarum de Leacris cum pertinentiis, prefatæ Elezabet Home vendidit pureque et simpliciter alienauit, ut plenius testatur carta prefati domini superioris dictarum terrarum de dicta venditione et alienatione præfatæ Elezabet, heridibus et assignatis suis, per dictum dominum superiorem confecta; quamquidem cartam subscriptione manuali pariter et sigillo prefati domini sigillatam et signatam prescripta Elezabet manu gestans in fidem et testimonium suæ dictæ resignationis et assignationis prescripto Jacobo tradidit pariter et deliberauit, cuius tenor sequitur.—Be it kend to all men be thir present lettres me, William Gourlaw of Kincrag, baroun of the barony of Alderstoun, and superiour of the acris vnderwrittin, to haue sald and disponit, and be thir presentis sellis and disponis, to ane honorabill lady, Elezabet Home, Lady Hammyltoun, and hir assignais ane or ma, all and siudry males, fermes, profittis and dewiteis of the landis callit the Leyacris lyand within the schirefdom of Edinburght and constabulary of Hadingtoun, betuix the landis of Clerkintoun and Letham on the est pairt, the sadis landis of Clerkinton

and landis of Sammelstoun on the souht pairt, the saidis landis of Sammelstoun on the west pairt, and the common mur callit Glaidmur on the norht pairt, of all yeris and termes bipast that the samyn hes bein in my handis or my predecessouris, superiouris thairof, sen the deceis of vmquhill Nicholace Ker, Lady Sammelstoun, or ony vther last lauhtfull possessour and immediatt tenent to me, or my predecessouris, of the sammyn, be resson of ward, nonentres, forfaltour or ony vther maner of way; and siklik of all yeris and termes tocum, ay and quhill the lauhtfull entre of the rychtuis air or airis thairto, bein of lauhtfull aige, with the releif thairof quhen it sall happin, and that for certan sowmes of mony payit and deliuerit to me thairfor be the said Elezabet, of the quhilkis I hald me weill content, and be thir presentis quitclamis and dischargeis hir, hir airis, executouris and assignais, thairof for euer; with power to the said Lady Hammyltoun, and hyr assignais forsadis, to intromet and tak vp the males, fermes, profittis and dewiteis of the saidis landis callit the Leacris with thair pertinentis, bayht of termes bigan and tocum during the tyme of the ward, releif and nonentres thairof at thair awin hands, and to dispon thairon at thair plesour, and to ocupy the saidis landis with thair awin gudis, or to sett thame to tenentis as thai sall think maist expedient, with court plaint, herezeld and merchet, vnlawis, amerchiamentis and eschetis of the sadis courtis, and with all and sindry vther commoditeis, fredomes, asiamentis and rychtuis pertinentis quhatsumeuer pertenyng or that rychtuisly may pertein thairto, during the said space, frely, quietly, weill and in peax, but ony reuocatioun or gaincallin quhatsumeuer; and I forsuht and my airis sall warrand, acquiet and defend this my present dispositioun to the said Elezabet and hyr assignais forsaidis during the said space in all and be all thingis, as is abon expremyt, aganis all deidly, as law will, but fraud or gyll. In wytnes of the quhilk thing to thir my present dispositioun and sellin, subscriuit with my hand, my seill is affixit, at Edinburgh the xx day of Aprile anno I^m v^c xxxv yeris, befor thir witnes, Alexander Ramsay, Adame Ker, and Thomas Mabane, notar publict, with wtheris diuers. Super quaquidem assignatione superque eiusdem omnibus et singulis punctis necnon articulis, prefatus Jacobus Ker a me, notario publico subscripto, sibi fieri petiit hoc presens publicum instrumentum. Acta erant hæc in horto Domini Joannis Ker in Sammelstoun, sub anno, die, mense, indictione et pontificatu, vt supra, hora ferme quarta post meridiem; presentibus, honorabilibus viris, videlicet, egregio nobili et potente domino, Willelmo, Domino Heris, Georgio Ker in Chyrnsyd, Thoma Ker, Joanne Vane, et me, Domino Joanne Knox, notario, cum diuersis aliis testibus ad premissa vocatis pariter et rogatis.

JOANNES KNOX TESTIS PER CHRISTUM FIDELIS CUI GLORIA AMEN.

Et Ego vero Joannes Knox, sacri altaris minister, Sanctiandrææ dioceseos, auctoritate appostolica notarius, quia præmissis omnibus et singulis dum sic ut præmittitur, agerentur, dicerentur et fierent, vna cum prænominatis presens personaliter interfui, eaque omnia et singula sic fieri et dici, vidi, sciui et audiui, ac in notam cepi, ideoque hoc presens

> publicum instrumentum manu mea propria scriptum exinde confeci, et hanc in formam publicam redegi, signoque et nomine meis solitis et consuetis [signaui], in fidem et testimonium veritatis omnium et singulorum præmissorum rogatus et requisitus.
>
> Non falsum testimonium perhibeto.
>
> Jo. Knox, *notarius.*

The Hamiltons continued to be proprietors of Samuelston till about the year 1617, when it was purchased by the first Earl of Haddington, and it still forms a part of the Haddington estate. Shortly thereafter the Hamiltons of Samuelston are supposed to have become extinct.

Such were some of the possessions of the Hamiltons in East Lothian. In West Lothian they were also numerous. They had Bangour, and William Hamilton of Bangour, the Jacobite poet, was considered a true poetic genius. The Hamiltons had Bathgate from an early date, and possessed it till the time of King Charles the Second. There were likewise the Hamiltons of Grange, Inchmachan or Ecclesmachan, and Kincavil, of whom was Patrick Hamilton, abbot of Fearn, who early embraced the Reformed religion, for which he was brought to the stake in February 1527. The Hamiltons of Westport were settled there in the fifteenth century. The Hamiltons of Pardovan and Easter Binning are said by Crawford to be descended from the Hamiltons of Innerwick.

THE PRESENT WORK.

The present work consists of two volumes. The First volume contains the detailed history of the Earls of Haddington from the earliest record of them and their ancestors to the present time. The centre figure in the history is Sir Thomas Hamilton, the first Earl of Haddington. Of that distinguished man several notices have previously been written, the latest of which is that by Mr. Omond in his valuable work on the Lord Advocates of Scotland. In the year 1837, Mr. John Hope, then Dean of the Faculty of Advocates, afterwards Lord Justice-Clerk, presented to the members of the Abbotsford Club, of which he was the President, the " State Papers and Miscellaneous Correspondence of Thomas, Earl of Melros." In a short prefatory note, Mr. Hope stated that it was unnecessary to prefix to that valuable collection any account of the very able man whose papers were then presented to the Abbotsford Club. After the writer's first inspection of the Haddington muniments in the year 1857, a report on them was made for the information of Thomas, the ninth Earl of Haddington, who originated the present work. His lordship was very much interested with the documents brought under his notice, among which was the last will of the first earl. He was satisfied that that document refuted the accusation made against his ancestor of leaning to the Roman Catholic religion, and he expressed a desire to ascertain more of the personal history of the first earl than had been previously known. All the materials obtainable for exhaustive memoirs of the first and subsequent earls, as well as of their predecessors, have been used, whether found in the Haddington or other repositories. In thus treating the history of the Haddington family, the wishes and intentions of the ninth earl have been carried out. A summary of the memoirs is prefixed to them, which, with the comprehensive index of persons and places, will facilitate the reading of the memoirs and reference to any particular portions of them.

The SECOND volume consists of a miscellaneous collection of correspondence, charters, and other documents, and may require some explanation.

The CORRESPONDENCE is divided into six sections. The first of these is a series of copies of letters from the Kings of France and Denmark, the Dukes of Guise, Anjou, Parma, Mayenne, and others, to King James the Sixth of Scotland, contained in a manuscript book of transcripts and drafts of letters collected by Sir Thomas Hamilton, first Earl of Haddington. Most, if not the whole of these letters, are now printed for the first time, and though many of them are not of much intrinsic value, yet the whole form an extremely interesting contribution to the history of the period. As they do not relate to the history of the family of Haddington, they are not referred to in the memoirs. Those of William of Nassau, "the Silent," Prince of Orange, in regard to the attack on his character by the King of Spain, the letters of the Duke of Anjou to the States-General and others, are of value historically. The long series of letters between the Queen-Mother of France (Catherine de Medici), her son Henry the Third, various members of the Guise family, and King James the Sixth, are chiefly complimentary; perhaps the most noteworthy being those at the period of the Ruthven Raid. King James also received letters from Alexander, Duke of Parma, the Spanish governor of the Netherlands. A few friendly epistles from Henry of Navarre, afterwards King Henry the Fourth of France, with the answers from the Scottish king, may also be noted in reference to the visit to Scotland of the Sieur du Bartas, and James's attitude towards Protestant ascendancy in France.

The second section consists of sixteen letters—chiefly originals—also apparently collected by Sir Thomas Hamilton. The first of these is an announcement to King James the Fifth from the Master of Rhodes, Philip de Villers Lisle Adam, of the gift made by the Emperor Charles the Fifth to the knights of the order of St. John of Jerusalem, of the islands of Malta and Gozo. He writes to the King of Scots as that military order of monks was still recognised in Scotland. It may be noted that the letter is dated 1530, four years earlier than the usual date assigned to the acquisition of Malta by the knights of St. John. The remaining letters in this subdivision are of much later date, dealing chiefly with the years shortly after the date of the marriage of King James the Sixth and Anna of Denmark, and most of them are addressed to the king by various foreign notabilities with whom the marriage brought him into relationship. The last two documents—copies of statements by the States-General of Holland—deal with the herring fishery off the coast of Scotland.

The third section contains letters from King James the Sixth, Queen Anna, and King Charles the First, which are referred to in their proper places in the memoirs. So are the three following sections, viz.:—(1.) Letters and papers relating to James, Marquis of Hamilton, Colonel Alexander Hamilton, and others, in connection with their service under Gustavus Adolphus in Germany; (2.) family and miscellaneous letters; and (3.) additional letters.

The second division comprises comprehensive abridgments of CHARTERS and other writs relating to lands now or formerly possessed by the Earls of Haddington. Many of these writs have been noticed in the memoirs, especially those which are noted as in the Prestonfield charter-chest, and the documents of later date relating to the first Earl of Haddington and his successors. But others of the writs, of an earlier date, which refer to lands acquired by the family, but do not deal directly with the history, are also noteworthy.

Thus there are a number of writs relating to the old family of Lindsay of the Byres, from whom that barony was purchased by the first Earl of Haddington. The document of earliest date is a charter by Gilbert the Marischal, Earl of Pembroke, brother-in-law of King Alexander the Second, to David Lindsay of Braunwiwel, of lands near Byres, in the county of Haddington, granted between the years 1233 and 1241.[1] Other writs show successive generations of the family of Lindsay between the years 1388 and 1579, and several of them make grants to the chapel of Drem. One interesting document is that in which George Lindsay, brother and next heir of John, third Lord Lindsay, transfers and resigns all his rights of succession in favour of his younger brother, Patrick Lindsay of Kirkforthar, because, as he asserts, "Patrick was more fit for the lordship and heritage, and conservation of the same honour and defence of friends and blood than any living person, according to his knowledge." Another reason for this resignation may be found in the fact that George Lindsay, like his elder brother John, had no male heirs. John, Lord Lindsay, also appears shortly afterwards to have made over his lands to Patrick, who was designated as Lord Lindsay very soon after the date of his infeftment in the lands.[1] This renders the date of the death of John, Lord Lindsay, as usually given, somewhat doubtful.

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[1] Vol. ii. of this work, p. 225.

Another document records an alms-gift to the friars-minorites of Haddington by various members of the family of Haliburton, who endowed an altar in their church with ten merks yearly from the lands of Drem in East Lothian.[2]

MANUSCRIPTS OF THE FIRST EARL OF HADDINGTON.

In a previous part of this Introduction allusion has been made to the study bestowed by the first Earl of Haddington on ancient historical documents, and it was stated that a number of these had been obtained from his repositories in connection with the publication of the folio edition of the Acts of Parliament. One of the editors of that work surmised that these documents had come into the possession of Lord Haddington when he held the office of Lord Clerk Register, and that they had continued in his custody after he had ceased to hold that office. This supposition is based on somewhat insufficient grounds. In the memoir of Sir Thomas Hamilton it is shown that he was appointed Lord Clerk Register by patent dated 21st April 1612, and that on the 24th July of the same year he was appointed Secretary of State in place of Sir Alexander Hay, who was made Lord Clerk Register. In the brief interval between these two dates it is doubtful if he was ever formally inducted into the office of Lord Register.[3] No trace of his having acted in that capacity has been found either in the public records or in his own private repositories.

That he did study ancient records and documents sedulously during his long life is abundantly clear from his collections of charters and other muniments still preserved in the Advocates' Library, and it is evident that he had access both to public records and to the cartularies of various monasteries. In the year 1798, when these collections were inspected by Mr. William Robertson, then Deputy-Keeper of the Records, part of them were contained in one very large folio volume, of which he has given a minute description as it existed in his day.[4] This large volume has since been divided into two, volume I. containing 584 pages, and volume II. containing upwards of 146 pages. They are described under one title by Sir James Balfour of Denmyln as "A Collection of Charters, Evidents, and Antiquities collected by

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[1] Vol. ii. of this work, pp. 241, 242; Registrum Magni Sigilli, 1424-1513, No. 2380.

[2] Vol. ii. of this work, p. 226.

[3] Vol. i. of this work, pp. 114, 115.

[4] Robertson's Index to missing charters: Postscript, pp. 46-47. Mr. Robertson pays a tribute to the Earl of Haddington as one of the most remarkable men of the age in which he lived, whose industry and application corresponded with his eminent abilities, and enabled him to execute the duties of many important public offices, and to prosecute also the study of law and antiquity.

E. Hadinton," and they are also mentioned and described in the catalogue of historical manuscripts in the Advocates' Library prepared by the late Mr. Cosmo Innes.[1]

Other manuscript collections by the first earl, preserved there, are described in the catalogue by Mr. Innes as: I. "Minutes of Parliament, Council, and Exchequer collected by the Earl of Haddington." This title, in the hand of Sir James Balfour, is prefixed to a thick folio volume of 562 leaves, consisting of—(1st) Short minutes of the proceedings of Parliament from 1400 to 1622; (2d) Notes furth of the Bookes of Secret Council, Catalogues of the Acts of Secret Council, Missive letters in the Books of Secret Council, and Council missives to and from "his Majestie from 1546 to 1635," folio 111 to folio 526; (3d) Minute of the Register of the Chekker beginnand 16th July 1583 to 17th July 1629, folio 527 to end. These notes, it is explained, "have originally been written on separate quires, and some portious of blank leaves are thus intermixed. There are many notes and titles in Lord Haddington's own hand. The whole must have been of great value, and the notes of council are still valuable."[2] II. "Another folio volume of Lord Haddington's collections, with titles in his own hand. Though not so important as some of his other volumes, none of that judicious antiquary's collections are without value."[3] The contents of this volume may be arranged under the following heads:—(1st) Rental of Dunfermline Abbey after 1593; (2d) Process of perambulation in a Justiciary Court between Hay, Laird of Ury, and Hay, Laird of Dalgety, 1575; (3d) A process of stenting of common between Killeith and Collinton, 1582; (4th) Apprising, Reid of Collieston against the Earl of Errol, 1576; (5th) Minutes of Justice Airs held at Elgin, Banff, and Aberdeen, 1556—full of curious information; (6th) What appears to be the first draft of a Report of the process against the Lairds of Auchendrane, elder and younger, for the murder of Kennedy of Culzean, July 1611; (7th) Some Acts and Decreets of Parliaments, 1400-1479 (really from Acta Dominorum, etc.); (8th) Notes furth of the Register of Session 1531, comprehending also divers acts of Secret Council after 1603, with proceedings of the Secret Council continued till 1612, some of which are of the greatest interest and curiosity; (9th) Minutes furth of the Register of Chekker and books of *Responde,* 1583-1609; (10th) A paper of suggestions for improving the revenue of the Crown, entitled, "Sir Ro. Melvill anent the thesaurarie and the Advocats answers to the articles;" (11th) The second overture to get geir to the King to relieve the present necessitie; (12th) Note of the compt of the property, 1627; (13th) "Thesaurarie also of the property, 1591;" (14th) Articles to my Lord Thesaurar for taking ordour with the horners (rebels); (15th) Signature for the offices of the Earl of Somerset."

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[1] Some of the Haddington manuscripts in the Advocates' Library are referred to in the memoir of the first earl.

[2] It may be added that many rubrics and headings are in the earl's handwriting, with pages here and there also written by himself.

[3] It may be further explained that this volume is made up of separate quires—395 folios. The documents have evidently been revised by Lord Haddington himself, with one or two slight exceptions.

In addition to these collections of manuscripts in the Advocates' Library, there are preserved in the Haddington charter-chests many documents for which space could not be afforded in the present work. These include (1) A collection of papers about the trial of Lord Balmerino in the year 1609, and letters from Alexander Hay, Lord Clerk Register, on the same subject; (2) Copies of Acts of Parliament, Council, and Conventions, 1583-1633; (3) Minutes from the Sederunt Books of Session from 1567 to 1625; (4) Minutes from the Records of Justiciary, 1576-1596; (5) Papers about the commission of grievances, 1626; (6) Correspondence about the commission of Secret Council and other matters, 1625-1626, etc.; (7) Large collection of papers relative to the valuation of teinds and surrenders in 1627. It must be added, however, that the bulk of these documents are only copies of original papers, or drafts made for the use of Lord Haddington.

ADDITIONAL MANUSCRIPTS RECENTLY DISCOVERED AT TYNNINGHAME.

After the two volumes which constitute this work had been printed off, and after the Introduction was nearly completed in manuscript, and the Index also far proceeded with in proof, a letter was received from the Earl of Haddington, dated Tynninghame, 5th August 1889, in which he says:—"I have left out two drawers full of old papers, some of which may be of interest or amuse you. I found them in Lady Haddington's drawers last week, but have only had time to glance through them, and weed out many which I was sure would possess no interest for you."

In another letter, dated Arderne Hall, Tarporley, 21st August 1889, his lordship writes, "Since writing to you last I explored some drawers, etc., in Lady Haddington's sitting-room, and found some ancient documents with fine old seals attached, seven in number, but as I, only the night before I left for Cheshire, discovered them, I had not time to try to ascertain their purport or contents."

On afterwards inspecting at Tynninghame the newly discovered documents, I found that several of them were of considerable value and importance. One of them, indeed, being a letter-book or register of royal letters written by King James the Fifth of Scotland to the pope, cardinals, and several European princes, was so important that, had it been discovered in time, an effort would have been made to incorporate its contents in the second volume of this work. But these volumes were so far advanced towards completion, as already explained, that it only remained to notice the letters and papers briefly here.

LETTER-BOOK OF KING JAMES THE FIFTH.

This book, with the original parchment cover, contains contemporary copies of letters from King James the Fifth of Scotland between May 1529 and November 1532 inclusive. It is evidently a companion volume to the one of which the contents are already printed in the second volume of this work. It also covers a period of time intermediate between the first and second volume of Ruddiman's "Epistolæ Regum Scotorum," which was compiled from manuscripts in the collection of Sir James Balfour. It contains sixty-five letters to Pope Clement the Seventh, twenty-one letters to Peter, cardinal of Ancona, and thirty-seven to Benedict, cardinal of Ravenna, probably the papal secretaries. There are twenty-one letters to the King of France, seven to the Emperor Charles the Fifth, five to Frederick, King of Denmark, one to his son, while four appear to be addressed to Christiern, the deposed king of that country. There are also letters to the Archbishop of Liége, Ferdinand, King of Hungary and Bohemia, Maria, Queen of Hungary, the college of cardinals at Rome, the Dukes of Bavaria, Margaret, Archduchess of Austria and Burgundy, Odulph (? Rodolph) of Burgundy, the cities of Ratisbon, Stralsund, Malines, "Haghte" (? Hague) Middleburgh, Elsinburg, Lubeck, Rouen, and Antwerp, the Duke of Pomerania, the Count of Wester Friesland, the Primate and Great Admiral of France. These, with a few letters of minor importance, and several commissions, make up the number of two hundred and seven documents. There are some other letters inserted in a straggling manner on separate pages of the volume, but the bulk of the work is devoted to the period referred to.

The manuscript at one point is authenticated by a Latin docquet under the hand of James Foulis of Colinton, the Clerk of Register, to the effect that he had finished writing this in the office of the secretary, as owing to his duties of Register, Clerk of Council and Rolls, he was unable to undertake more work. This docquet is dated 21st September 1537, five years after the date of the entry immediately preceding.

The letters to the pope and cardinals relate chiefly to questions about benefices in Scotland,—Tongland, Dundrennan, Sweetheart, the Hebrides, Lismore, Moray, Coldingham, Beauly, Culross, Haddington, Inchmahome, and Lincluden, being among the places referred to. Many of the letters to the pope are also of a complimentary character, while others deal with the subject of the king's marriage.

The negotiations on this subject referred to in this volume begin with a letter to the King of France, accrediting the Duke of Albany to arrange a marriage with the Princess Magdalene. This letter is dated 6th April 1530, and was followed by full instructions to the duke, based upon a private communication from the French king, brought by William Stewart, prefect of the Castle of Milan, and Gerard Byon. The duke is to set forth the difficulties and dangers from England which the Scots have incurred in time past because of their friendship with France, and to deprecate the alliance recently made between France and England, from which Scotland was excluded. The duke is to labour to procure the marriage, and to remind the king that many other suitable proposals for marriage had been made to King James, but he had determined, in consideration of the old league, to ally himself with France. If, however, the French king makes any excuse or does not fully consent, the duke is to inform him that King James pleases to contract marriage with Catherine, Duchess of Urbino.

By letters of the same date to the pope, and other commissions to Albany, it appears that the duke was also accredited to the Papal See that a marriage might actually be negotiated between King James and Catherine, Duchess of Urbino. Later commissions giving full powers were issued on 2d November of the same year, 1530, and Thomas Erskine, secretary to King James, was despatched with further instructions, apparently in answer to a letter from the pope and the duke, describing the merits of the proposed bride. No more, however, is heard of that union, but on 31st August 1531, James writes to the King of France expressing delight that consent had been given to a union with Magdalene of Valois. The subject is renewed in March 1532, when commissioners are named to arrange the nuptials, the Duke of Albany, James (Hay) Bishop of Ross, and Sir Thomas Erskine of Brechin, on behalf of the King of Scots, and Charles, Duke of Alençon, for the King of France; but the negotiations are not again referred to in this volume. As is well known, the king's marriage with Magdalene of France did not take place till 1537.

Other letters to the King of France are not of special political importance, though some of them relate to the commerce between the two countries, and one states that David Lindsay, Lyon Herald, who had been sent to France, was delayed by contrary winds four whole weeks in his return to Scotland in the month of July 1532.

Of the letters to the Emperor Charles some are intrinsically of no great importance, being comparatively formal, but others are interesting from their associations. From them we learn that David Lindsay, then designed Snawdon Herald, and first of the Heralds,[1] was in June 1531 sent on a special mission to the emperor, to request that he would ratify a contract of peace made between his recently deceased aunt, Margaret, Archduchess of Austria, to whose domains of Brabant and Flanders he had succeeded, and the King of Scots. Snawdon Herald is also to inform the emperor that as the contract provided for a peace either of one hundred years or of one year, so the King and people of Scotland desire the hundred years' truce if it pleased the emperor. Lindsay also bore a less peaceful message in the form of a demand for redress to Robert Barton of Over Barnton, who accompanied the herald, to complain of an attack made upon a vessel belonging to him. It appears that this ship, named the "Black Pinnace" ("Celocem nigram"), had sailed from Leith, and, with a favourable wind, reached Yarmouth in England. While at anchor there, she was attacked and boarded by some of the emperor's subjects, who not only plundered the vessel, but tortured and ill-treated the crew and passengers in the most brutal manner. Application was made to the Duchess of Austria and Burgundy, who discovered that the marauders came from Spain, and King James now requests that proper restitution may be made.

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[1] It would appear from this, and from the letters to the King of France, that David Lindsay became Lyon King-of-arms only in this year 1531, or before June 1532.

Some months later, in December 1531, King James again complains that four ships sailing from Leith, laden with goods, and bound for Dantzic, and other German ports, were burned, fired upon, and carried off by pirates, the crews and passengers being wounded, killed, or kept languishing in prison in hope of ransom. The King requests the emperor's aid in obtaining redress. What success the appeal had is not recorded in the letters, but in the following May the emperor sent an ambassador, Sir "Peter de Rosimboz," knight, councillor and chamberlain of the emperor, with a herald named "John Glennat," Burgundy Herald, to bear to King James the collar and insignia of the order of the Golden Fleece. From the king's letter in reply we learn that he had been elected a member of the order at a chapter held at Tournay (in the Netherlands) in the previous December. King James wrote what may be called a private letter to the emperor, expressing his great pleasure at the honour done to him, in absence and unmerited, and accepting it with professions of friendship. In another letter, passed under the quarter seal, the king announces to all and sundry the honour done to him, and that he has seen and has sworn to observe the statutes of the order, except such as are dispensed with in the persons of kings admitted to the fraternity. By accepting the insignia of the order he binds himself to observe good friendship towards the emperor as its head, and towards the other members, to send in due state his proxies to any meeting of the order, or for the election of a new brother; if he take in war any brother of the order, he is to liberate him, unless he be the leader of the enemy; and he is to provide that in case of his death the collar and book of statutes shall be returned to the emperor. This oath was duly taken by King James at Edinburgh on 9th May 1531.[1]

Two of the five letters to Frederick, King of Denmark, may be briefly noticed, the others, of which one requests a safe-conduct for Robert Henryson, a merchant and citizen of "Grippiswald," being of less importance. In August 1531, King James writes, apparently in answer to a letter from King Frederick expressing a fear lest the King of Scots should join with the deposed King of Denmark, known as Christiern the Second, declaring that he had no such intention. He adds a long exhortation on the evils of war between two princes so nearly related, etc. The other letter is an earnest appeal to Frederick, who was a reforming prince, to restore to their rights the order of Friars Observantines, who apparently had been compelled to leave Denmark.

It may be noticed, however, that in this volume there are four letters evidently addressed to Christiern, the deposed King of Denmark. One of these, while refusing aid from Scotland, expresses the king's pleasure that the emperor and German princes were moving for his restoration. In this and other epistles King James expresses, or is made to express, the most bitter animosity against the Lutheran heresy.

As a matter of lighter interest it may be noted that one letter in this collection reveals the identity of a person whose name occurs in the treasurer's accounts as the recipient of large presents from King James. He is described in the accounts for June 1532 as the "King of Cipir" or "Cipre," and has been supposed to belong to one of the numerous bands of gipsies or bohemians which then infested Europe.[2] Who he really was appears from a letter to the King of France written on 29th June 1532, in which King James says:—"There came very lately to us [3] a noble man John Lusignan, Prince of Cyprus as he says [Cypri, ut inquit, princeps], recommended by letters from many foreign princes, who, his business with us being finished, asserted that he was akin to your majesty, his family being noble, wherefore we received him with the greater friendliness; but because in former years he followed the emperor and his party, he feared lest your majesty should conceive some indignation against him, regarding which he signified his thoughts to your ambassadors at Brussels in the month of January last, but now he desires to serve your majesty chiefly and faithfully, and that he may be pardoned wherein he has offended." King James then goes on to intercede that Lusignan may be received into favour.

A glimpse of King James the Fifth's amusements is given in two letters to Maximilian, Duke of Milan. On 1st December 1529 King James writes that there had recently come to Scotland, one of the duke's subjects named Thomas, a man truly worthy the friendship of so great a prince, with whose skill and accomplishments he had been so delighted that he had asked him to spend that winter in Scotland, and the king requests the duke's permission for him to do so. A later letter in the following March reminds the duke of the former epistle, to which the king had received no reply. The person to whom he referred, Thomas d'Anerenza, a Brescian, had visited this distant corner of the world, and had charmed the writer with his musical art, so that he desired his stay during the past winter; but the man is now returning to his own country, and the king greatly desires that the duke would allow him to return to Scotland. There is also a letter of passage or passport for d'Anerenza in the hope that he may return, of date 20th March 1530.[1]

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[1] The Treasurer's accounts show that the king paid large sums in presents to the imperial ambassador and herald, and also for their entertainment.

[2] Cf. Pitcairn's Criminal Trials, vol. i. p. *277 and note.

[3] Probably in the train of the Imperial Ambassador.

The remainder of the letters in this volume, though of more or less interest to the minute student of contemporary history, are not of sufficient importance to be further commented upon in this place.

ADDITIONAL MANUSCRIPTS OF THE FIRST EARL OF HADDINGTON.

Besides the volume of letters just noted, the recently discovered papers of the time of the first Earl of Haddington embrace the following :—

1. Manuscript volume containing 180 folios and 361 pages in original parchment binding, forming a Register of Charters, etc., granted by the commendators of Melrose to their vassals, of lands in the Abbacy of Melrose. It seems to be a collection of documents copied at a later period than their original date, and the arrangement is irregular as to chronology. The volume begins on folio 1, with a charter by James [Stewart], commendator of Melrose, to Stephen Hunter, of the lands of Blainslie, of date 6th April 1547, followed by a series of charters and sasines to various members of the family of Hunter down to 1589. In the same way, the several charters and sasines contained in the book are arranged under the headings of the lands dealt with, a regular progress for some years being given under each heading. The dates comprised in the volume range from 1534 to 1609, and the writs are granted by Andrew [Durie], James [Stewart], Michael [Balfour], and James Douglas, commendators. It may be noted

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[1] The presence of this musician from the Duchy of Milan at the court of King James the Fifth in the end of 1529 may explain a somewhat mysterious entry in the treasurer's accounts, of date 16th October 1529: "To the Duke of Millane, at the kingis command, xls." It has been suggested that this was Grozolles, a Milanese soldier of fortune who figured in Scotland some years before, but it seems more probable that the Duke of Milan's musician was the recipient of so small a sum. [Cf. Pitcairn's Criminal Trials, p. 272* and note.]

that in 1536, Andrew Durie, Abbot of Melrose, signs in company of a convent of twenty-eight monks, while in 1586 and 1595, the signature of James Douglas, commendator, is attended by only one person who forlornly signs himself "Johne Watsone, onlie convent."

2. A manuscript volume containing 239 folios, some of which, however, are blank, and with original parchment binding, inscribed on a fly-leaf "Registrum de Melros Jacobi Douglas," and on the first folio, "Registrum euidentiarum monasterii de Melros per Jacobum Douglas, commendatarium eiusdem, et Alexandrum, commendatarium de Culros, suum Iconimum, coadiutorem et administratorem, factarum et datarum." The contents of the volume consists of precepts of sasine, charters, and other land rights granted to vassals in the lands of the abbey, between September 1571 and December 1594. It is evidently the original entry-book of the writs in question, many of which, towards the end, are much abbreviated. There are a few blank leaves, unpaged, at the end of the volume.[1]

The following original commissions are also of interest:—

1. Commission by King James the Sixth of Scotland and First of England, appointing William, Lord Cranstoun, Sir Gideon Murray of Elibank, Sir William Seton of Kylesmure and Sir David Murray, as justiciaries over the Border counties and sheriffdoms of Berwick, Roxburgh, Selkirk, Peebles, Dumfries, and the stewartries of Kirkcudbright and Annandale; with full powers for carrying out their authority. Given at Greenwich, 15th June 1611. The great seal of Scotland is still appended.

2. Commission by King James appointing William, Lord Cranstoun, Sir Gideon Murray, Sir William Seton, Sir David Murray, Sir William Selby, Sir Wilfrid Lawson, Sir John Fenwick, and Sir William Hutton, knights, as commissioners for both kingdoms, to settle and establish peace on the borders of England and Scotland, giving full power to them, or any five of them, to meet and consult as to the keeping of order in the southern shires of Scotland (as in the former commission), and in the counties of Northumberland, Westmoreland and Cumberland, the parishes of Norham, Holy Island, and Bedlington, and part of the county palatine of Durham; with full powers for punishing malefactors, etc. Given at Greenwich, 1st July 1611. The great seal of England is appended, the great seal of Scotland, once appended, being now wanting.

3. Commission in precisely the same terms and to the same persons—the name of Sir Andrew Ker of Oxnam being substituted for that of Sir David Murray. Given at Whitehall, 3d November 1613. The great seals of England and Scotland are both still appended, the latter being somewhat broken.

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[1] These two manuscript volumes are part of the series of Melrose registers detailed in another part of this volume, p. 163 *infra*.

4. Commission by King James to John [Spottiswood], archbishop of St. Andrews, and twenty-seven others named on the Scottish side, and to Emanuel, Lord Scrope, and thirty-one others named on the English side, for the preservation of peace and suppression of crime on the borders between the two kingdoms. Given at Whitehall, 4th March [1620]. Both great seals are appended and in good preservation.

Besides these, there are a large number of note-books and memorandum-books of various sizes, containing, in the handwriting of Sir Thomas Hamilton, first Earl of Haddington, voluminous notes of works, legal and historical, which he had read. From the nature of the books noted, it may be surmised that some of them formed part of the studies of his earlier days, although the date of the publication of others forbids this view, and shows that the notes, which form in every case an index of subjects treated of in the work noted, must have been continued to a late period of the earl's life. Taken at random, there are notes of Seneca, Sir Edward Coke's works, with those of Dyer, and one or two minor English legal writers, Camden, Stow, and Buchanan, with the Argenis of Barclay. The French writers noted are numerous, D'Aubigné, Pierre Matthieu, Histoire d'Espagne [writer not named], Chopin, La Guesle, Bodin's La Republique, Essais de Montaigne, De Thou's History, and Montholon, with various other minor writers, including some on ancient history.

PAPERS RELATING TO THE SIXTH EARL RECENTLY DISCOVERED.

There are also a few papers which furnish some further particulars respecting the sixth Earl of Haddington. As indicated in his memoir, he did not receive any substantial reward for his services in aiding the Treaty of Union, but among the recently discovered papers is a letter from Queen Anne's chief adviser, Treasurer Godolphin, who thus writes:—

November 5th, 1706.

My Lord,—The Queen's servants in Scotland have given her Majesty an account of your lordship's concurrence with them in relation to the Union, which is so much to your advantage that I have her Majesty's particular comands to acquaint your lordship she is extreamly sensible of your behaviour to her, and shall be very desirous of an occasion to give you the more essentiall mark of her satisfaction.

Tho' I have not the happyness of being personally known to your lordship, I am very glad of this opportunity to assure your lordship that I am, with great respect, my lord, your lordship's most humble and most obedient servant, Godolphin.[1]

Lord Haddington was, with other peers, summoned to London in October 1714 to be present at the coronation of King George the First,[1] but it is not certain that he went. In the following March he was appointed by his elder brother, John, Earl of Rothes, then recently made vice-admiral of Scotland, to act as a deputy, and hold admiralty courts, etc. on the east coast of Scotland—the limits of his jurisdiction being "from the town of Leith along the coast of Middle and East Lothian, Mers and Berwickshires to the town of Eymouth, and beyond the same to the bound road." [2]

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[1] Original letter in Haddington Charter-chest.

In the earl's memoir, reference is made to his appointment, in 1716, as sheriff of East Lothian, and to his election as a representative peer of Scotland. Besides these, however, he was nominated, by King George the First, lord-lieutenant of the county of Haddington. The following letters show the relation which these honours held to his services at Sheriffmuir and elsewhere: they are written by Charles, Viscount Townshend, one of the Secretaries of State:—

Whitehall, December 23d, 1715.

My Lord,—It is with very great pleasure that I obey the orders his Majesty was pleas'd to give me this morning to acquaint your lordship that out of a just regard to that hearty zeal which your lordship has shown for his service, and as a mark of the value and esteem he has for your lordship, and of the trust and confidence he putts in you, his Majesty designs your lordship shall succeed to the Marquess of Tweedale as sheriff and lord-leivtenant of the county of East Lothian, and as his Majesty designs the Earl of Southerland shall succeed to the Marquess as first commissioner of police, your lordship is to come into the Earl of Southerland's room in that commission, of all which marks of royal favour I wish your lordship joy, and doe heartily congratulate you on them.

My Lord, as the death of the Marquess of Tweedale makes place for the election of a new peer as soon as the Parliament sits, I hope your lordship will turn your thoughts that way and be making your interest for this purpose, which I cannot think will be very hard to bring about. Your lordship need not doubt but you will be very acceptable to his Majesty, and I am confident all his servants will heartily promote your election as much as may ly in their pouer. I have nothing farther to add but to assure your lordship that I am with the greatest truth and respect, my lord, your lordship's most obedient humble servant,

Townshend.[3]

In his next letter, a few weeks later, Lord Townshend refers to his former communication, and informs Lord Haddington that the necessary warrants had been signed and would be transmitted. He adds—

I take this occasion to congratulate your lordship very heartily on this mark of royal favour. Inclos'd your lordship has his Majesty's instructions by which you are to manage yourself as lord-leivtenant of the county, and which I doubt not but your lordship will

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[1] Original letter in Haddington Charter-chest.

[2] Commission dated 11th March 1715, *ibid.*

[3] Original letter, *ibid.*

> pursue with that zeal for his Majesty's service by which you have always distinguished yourself.
>
> A proclamation being issued out for the electing a new peer to sit in Parliament in the room of the Marquess of Tweedale, I hope your lordship has resolved to comply with what I propos'd in my last, and to use your interest to be chosen, which I am confident will be no hard matter.[1]

Lord Haddington may thus be said to have been the government nominee at the ensuing election.

A further honour was bestowed upon the earl in the following year, by his being made a Knight of the Most Ancient and Most Noble Order of the Thistle. The warrant appointing him one of the twelve brethren of the order is among the recently discovered papers.[2] It bears date 1st March 1717, which somewhat modifies the statement in the memoir, as it shows he became a representative peer before he was made a Knight of the Thistle. In 1731 Lord Haddington was commissioned by King George the Second to confer the honour of Knight of the Thistle on Charles, Earl of Moray.[3]

A miscellaneous paper, indorsed as of date 1731, is of some interest in connection with Lord Haddington's former friend, the Jacobite Earl of Mar. It is a suggestion made for improving the amenity of the mansion-house of Tynninghame. Lord Mar, after his flight from Scotland in 1716, does not appear to have ever revisited his native country. If the date of 1731 be correct, Lord Mar was then residing at Aix-la-Chapelle, where he died in the following year. He therefore could not have seen Tynninghame in the year named, but he probably renewed his intercourse with the Earl of Haddington. Lord Mar was very fond of drawing plans and designs for improving various parts of Scotland, and only a few years before, in 1728, he had suggested the improvement of Edinburgh by building bridges on the north and south sides of the city, and he also proposed the making of a navigable canal between the Forth and Clyde, both which projects have since been realised. It is noteworthy that the idea of a canal also enters into Lord Mar's suggestions to Lord Haddington. He writes—

> Tininghame is a fine situation and the house is in the right place, tho there were one still to be built there. The old house is now so well repair'd and so convenient that it were follie to think of makeing a new one, but all the policie to be made to answer to it, so that the views from it may be as fine as they would be from a new house, tho not so in those towards it, espetially from the postroad. One of the greatest beautys about the place, and which ought to be most studdied to improve is the Saltgrass meadows on the south side. A canal through them opposit to the midle of this front would be a very fine and agreeable prospect from the house, and supply the want of an avenue could it be so contrived that it

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[1] Letter dated 12th January 1715-16, in Haddington Charter-chest.

[2] Warrant, etc., *ibid.*

[3] Commission, 10th December 1731, *ibid.*

would always stand brimfull of water either salt or fresh; but if that cannot be easily compased, it would be nixt best to have a nice smooth flatt meadow in the midle, the larger the better, with a canal around it on the four sides, and all the old tracks of the river and broken parts of the meadows filled up and smoothed.

The church to be taken from where it now is and placed in the new vilage; a pavilion to be made over the buriall place of the family, and another answering to it on the other side of the gravel walk to be from the house and court to the meadows, for a summer house. That which is now cornland besouth the church, with the church yard, to be smoothd and laid into grass so far as can be seen from the south front of the house on both sides.[1]

Lord Mar's suggestion about removing the church was afterwards carried out by the seventh Earl of Haddington.

Only one additional paper has been found affecting the memoir of Charles, Lord Binning, eldest son of the sixth earl, who predeceased his father. It is the original of the letter addressed to Lord Binning by Sir John Bruce of Kinross, containing the copy of Lady Wardlaw of Pitreavie's ballad of "Hardyknute."[2] The letter, however, has already been quoted in the memoir from another source.

LETTERS FROM THE HONOURABLE COLONEL CHARLES HAMILTON.

The sixth Earl of Haddington was, as narrated in the memoirs, succeeded by his grandson, the seventh earl, regarding whom there are scarcely any additional papers of importance. One or two letters, however, which relate to some military experiences of his younger brother, the Hon. Charles Hamilton, may be read with interest. The first of these is written on the day after the battle of Fontenoy, fought on 30th April 1745, between the British forces and their allies under the Duke of Cumberland, and the French under Marshal Saxe, when the former were defeated, about 12,000 men being killed on each side. Young Hamilton had entered the army as a cornet in the 3d Dragoon Guards, and was only in his eighteenth year at the date of this engagement. His letter is addressed to his aunt, Grisell Baillie, Lady Murray of Stanhope:—

Dear Aunt,—I would have writ to you since I came to the field, but really I have not had time, for I have not had time to sleep these six days but what I got upon the ground, and nothing to cover me but the skies. We have had a most bloody battle with the French yesterday. We began at 5 in the morning and left off at 2 in the afternoon, all which time the French kept cannonading us. I was forced to be very civil, and make a great many bows to the balls, for they were very near me, for both my right and left hand men were shot, and all round me there were men and horses tumbling about, but, thank God, none touch'd me. We could do nothing but stand there and be knock'd on the head, for they had a great many batteries and three times the number of cannon we had, and besides that they were intrenched up to the ears that we could not hurt them. We fired upon a little village very smartly where they had a battery. The foot were very sadly cut to pieces; the French put grape shot into their cannon which cut them down as if they were shearing corn. There are a great many officers killd in the infantry; in the Welch Fuziliers only two that came off the field without a wound. Charles Ross is killd, and Saundilands very ill wounded, and a great many others, but you will have a more particular account very soon, and what number of men is not yet known. There is a cornet in our regiment missing. There is not an officer in Lord Stair's [regiment] hurt.

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[1] Original paper in Lord Mar's handwriting, in Haddington Charter-chest. Indorsed "Some designes of Lord Mar's at Tininghame, 1731."

[2] The letter is not dated; cf. p. 266 *infra*

I longed for them [the French] to come to sword in hand, but they durst not do that. I had my horse shot just in the knee by a musket ball. I'm afraid he'l always be lame. I was forced to go off the field to get my other horse. I did not regard the musket shot after the cannon balls in the least, tho' they came buzzing about like bees. I had got just by one of the standards where they came very fast, for they were shooting at the standard like mad. At last we were obliged to retreat; there was no standing their cannon, as they were intrench'd, for we could not see anything scarce but their white bitts of paper in their hatts; but I hope we shall be revenged for this trick. The Generall is very well and sends his compliments to you. I just write this to let you know I am well. I recollected that I must die some time or other, and if my time was not come, I was as safe there as any where else.[1]

The next two letters, written after the writer had attained the rank of captain, refer to the campaign in Germany between the British and their allies on one side, and the French on the other. This campaign is known as the Seven Years' War, and was the result of a combination of Austria, France, Russia and Poland, against Frederick the Great of Prussia, who was supported by British subsidies and also by British troops, although they played a comparatively subordinate part in the conflict. The campaign in Westphalia, in which Britain chiefly took part, began in 1756, but we learn from Captain Hamilton that his regiment did not take the field until the middle of 1758. Prince Ferdinand of Brunswick had on June 23d of that year defeated the French at Crevelt, but had retired eastwards, whence he again advanced and drove the enemy across the Rhine. Captain Hamilton's letter to his mother, Lady Binning, is dated a few weeks later:—

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[1] Copy letter in Haddington Charter-chest. Appended is the following: "Dated the day after the battle. This is the copie of Charles' letter. I can't get the list of the dead and wounded to-night. Ouen (?) writes he and his son are well, as is Andrew. Carr is well; Sandelandes dangerously wounded, and not found. They have some hopes he is taken prisoner, and is in an hospitall. Hear is the list at last. Shew this to Lady Hadinton, and tell Mrs. M'aintosh, Watty Pringle is safe."

Cantonment at Bunda,[1] 1st of August 1758.

Dear Mother,—I wrote a few lines to George by the transports that brought me. We were ten days on board—contrary winds for some days and calms—otherwise fine weather. Some ships got up a day or two befor the rest. It is a very bad river for straingers, and not above three pilots to above 50 sail to be had here, and with dificulty. Several ships run aground; one coud not get off at all; they were obliged to disembark the horses in boats, and land them as they could. The ship I was in was cald the Providence, a Sheelds ship, and a good sailer, a very sober good captain, and a good seaman; his name Dun. I knew his brother and several of his relations at Durham. Hope and I were in the same ship, and 44 horses; we had no accident happen either to man or horse. I was not in the least sick; fish'd all the way; caught makeral and gurnets. Several ships had horses died; one cornet lost his two best horses, which is terrible, for they cannot be got here.

Our comanders are—in the first place the Duke of Malbro' and Lord George Sackvill. Lord Granby commands the right brigade, consisting of the Blues, Sir Ch. Howards and Cholmondeleys; Sir John Whiteford the left, consisting of ours, the Grays, and Sir John Mordants. Kingsley and Walgrave command the infantry, the Welsh Fuzileers, Naper's, Brudnel's, Hingsley's, Lord Home's, and Stewarts. There is a great train come by the second imbarkation, but what I have not yet heard. Some regiments encamp to-morrow about fifteen miles off, where we shall remain till the rest are ready and all go together. They say Prince Ferdinand is very impatient to have us with him. I will not pretend to write any news, for one hears as many different accounts about everything as one did in England, tho' I fancy it will not be long befor we give them their creepings. I take it for granted that you are uneasie about me, and I know it is nonsence for me to bid you not, but I assur you I set out with good spirits, and hope shall do my duty as I ought to do. I have examin'd my self, and think I can bear with patience and resignation whatever happens to me; we do not know what is best for us, so I think whatever is, is right. If I am knokt in the head it will be all one a hundred years hence, but I have not the least feel that I shall be hurt at all. I am not a bragger, but I think if our two bregades has an oportunity of chargeing we shall give them such a triming as they never had in their lives, for it is certain their cavalry are nothing equal to ours as to weight.

I fancy Mr. Wauchop told you he had wrot to me about Andrew. I did not get his letter till the day befor we imbark't; then it was impossible to get any thing. I wrote him word of it, and what I thought best for him to do. Andrew is here, and luckily for him we have a queer bitch of an officer going out, that came only last year, so that his furniture, horses, swords, and all things that Andrew will want, will be as good as new, and much cheaper. He is growen very tall since I saw him, like both father and mother, and a very fine lad.

We are allow'd to buy a waggon to a troop, which has a great many conveniences; one wants no more up with the troop but one's tent and bedding, which is easily carried on one horse—the waggon caries the havie baggage. As there are three officers to a troop, we can club together four horses to our waggon. The Captain finds a horse to cary the men's tents, and a man to lead him, and he must always go with us, so I must have two men besides Sam. I bought a German Gramer in London, and studied hard aboard the ship, and can ask for most things; but here the language is a mixture of all sorts. I have nothing more to tell you. Adieu dear mother.[1]

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[1] This seems to be Bünde, a town near the Weser.

Captain Hamilton continued to serve in the Westphalian campaign, as a letter from him two years later shows, but what part he took in the various battles which were fought cannot be learned from any letters of his in the charter-chest at Tynninghame. He was, however, present at the battle of Warburg, from which place he writes to his brother, the Hon. George Baillie of Jerviswoode, on the evening after the engagement:—

Warburgh Camp, July 31, 1760.

Dear Dop,—I am very well. This day we have had an engagement with the advanced guard of the French, about forty thousand of them, and routed them. The Hereditary Prince began the attack with the Granadiers; the cavalry did all the rest. We went up so quick our foot could not keep pace with us, we were so afraid of the French going that we could not stay for the foot. We overturned squadrons, rode through and through infantry, and rode bump against [them?] again, took a good many and many prisoners. We went so furiously at them that they were frightened out of their wits, and scouted as hard as they could drive. The British cavalry have got great praises from the Duke; he was quite astonished at us.

I had a very narrow escape in the charge, my horse was shot; I scrambled as well as I could from amongst the horses, when three French troopers attacked me. The squadron was gone on pursueing and pelting the French; there was I on foot with these three fellows. I followed the squadrons as fast as I could; they took it by turns to ride at me, which they did full speed, but I always dogged them, and cut at their horses in the face, which shyed them. I had one cut that must have split my head, if I had not had a skull cap; I have four cuts thro my clothes, and a great many thumps with the flat of their swords. I got at last near some of our folks, which stopped these gentry from following me any farther, but by way of taking leave, one of them drew a pistol and snapt it within a foot of my head and then rode off. I got upon a dragoon horse that had lost his rider, and joined the squadron again.

All the folks you know are well. The Major and a Cornet of Mordaunt's are killed and a good many officers and men wounded in the dragoons. I have time for no more; the post is going out early I believe to-morrow. I have lost the best officer's horse in the army, and as handsome a one. I will write more soon. You will see the particulars in the papers, I suppose. This is the fifth scuffle our regiment has been in this month. Compliments to all friends; let them know I am well, for I have not time to write any more. I have wrote to London. Adieu, God bless you all.[1]

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[1] Copy letter, 1st August 1758, in Haddington Charter-chest, indorsed: "Copy of Charles Hamilton's letter to Lady Binning, received August 31, 1758.

As already stated, the additional particulars illustrative of the seventh Earl of Haddington's memoir are few and unimportant. Perhaps the most noteworthy is his memorial to the Presbytery of Dunbar, on the occasion of a vacancy in the ministry of the parish of Tynninghame, praying that the parish should be annexed to that of Whitekirk, the stipends being also conjoined. Besides other reasons given for the proposed change, Lord Haddington lays weight on the fact that "the parish kirk of Tynninghame, as is well known to the Presbytery, as well as the manse and gleib, is very incommodiously situated for the memorialist, as his policy and improvements are greatly hurt by them." He proposes that the glebe should be exchanged for another piece of ground, or that he should pay a reasonable compensation.[2]

These notices under the several earls describe the principal documents which were recently discovered at Tynninghame.

In the library at Tynninghame there are many early printed works, and several volumes in manuscript. These include a folio volume of the armorial bearings of the nobility of Scotland, all fully blazoned. There are fifty plates of the royal family, dukes, marquesses, and earls, seven viscounts, and forty-seven barons—the last of these being the "Lord of Balcarres." The arms of Ramsay, Viscount Haddington, given in that volume, show supporters and crest not usually given by Peerage writers. On the dexter the supporter is a unicorn, on the sinister an antelope. The crest is a Scotch thistle, ensigned with an imperial crown.

The late Very Rev. Principal John Lee presented to Thomas, ninth Earl of Haddington, a copy of the "Facile Traictise" by Mr. John Hamilton, D.D., uncle of the first Earl of Haddington, printed in 1600. Principal Lee wrote a full Memoir of Dr. Hamilton, which is inserted in the "Traictise." Dr. Lee also presented to the ninth Earl of Haddington a German translation of the Bible, printed at London in 1577. It contains entries of births, marriages, and deaths of the Haddington family from 1633 to 1657.

There are preserved at Tynninghame a number of contracts of marriage of members of the Haddington family from the second earl downwards. These have been noted in the memoirs of each member of the family to which they apply. One peculiarity of these early contracts was the number of witnesses who attested them. Two witnesses were sufficient to authenticate the signatures of the contracting parties; but to the marriage-contract of Thomas, Lord Binning, afterwards second Earl of Haddington, and his first wife, Lady Catherine Erskine, daughter of John, Earl of Mar, dated 27th Feb. 1622, there are seven attesting witnesses, including Lord Chancellor Dunfermline, the Earls of Rothes and Kinghorn, and Lords Erskine and Carnegie and others. The contract of marriage between John, fourth Earl of Haddington, and Lady Christian Lindsay, daughter of John, Earl of Crawford and Lindsay, in 1648, is attested by twenty subscribing witnesses, including James, Duke of Hamilton, Archibald, Marquis of Argyll, the Earls of Rothes, Glencairn, Abercorn, and Cassillis; the Lords Montgomerie, Yester, Cardross, Bargeny, and others. The contract of marriage between Adam Cockburn of Ormiston and Lady Susanna Hamilton, daughter of John, fourth Earl of Haddington, in 1679, contains seventeen subscribing witnesses, including the Earl of Rothes, Chancellor, the Earl of Tweeddale and the Viscount of Oxfurd. In subscribing his name Rothes added "Cancellar" for chancellor, as if he had been authenticating an official writ, instead of a private contract. On discovering the mistake, he deleted the word "Cancellar," and added the word "Witnes." Another contract of marriage, between Sir James Dalrymple of Hailes, Baronet, and Lady Christian Hamilton, daughter of Thomas, sixth Earl of Haddington, in 1725, contains fifteen subscribing witnesses, including the Earls of Crawford and Stair, and several Leslies and Dalrymples, Baird of Newbyth, and Kinloch of Gilmerton.

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[1] Copy letter in Haddington Charter-chest.

[2] Memorial, dated 1760, in Haddington Charter-chest.

With regard to the attesting of contracts of marriage in the middle of last century legal conveyancers can scarcely avoid observing that John, second Earl of Hopetoun [1742-1781], frequently subscribed contracts of marriage as a witness, although unconnected with the contracting parties. In explanation of this peculiarity the head of a legal firm of large conveyancing practice stated to the writer that it became the fashion in celebrating marriages in Edinburgh at that time that the Earl of Hopetoun's name should be adhibited to the contract. His subscription was obtained by his butler, whose perquisite for acting as intermediary on such occasions was a guinea.

During recent years, through the enlightened liberality of his Grace, the late Duke of Buccleuch and Queensberry, K.G., and of many other noblemen and gentlemen of Scotland, the histories of their families and their family muniments have been made known in permanent records, presented to public libraries as well as to gentlemen interested in such works. These records are thus made accessible to all interested in historical research. A late deputy-keeper of the Records of England, Sir Thomas Duffus Hardy, himself an eminent charter and record scholar, and author of many valuable works on the records of England, on receiving a presentation copy of one of these Scottish family histories, expressed much satisfaction with it. He asked in rather a despairing tone, When will England be induced to do likewise? It was the great desire of Sir Thomas Hardy all through his long official life amongst the English records—first in the Tower of London, and latterly in the public record office—to induce the owners of great collections of historical manuscripts in England to make them known to the public. About the year 1825, he and the late Rev. Octavius Coxe, the energetic librarian of the Bodleian, Oxford, originated a general scheme for obtaining access to the private muniments of the great families of England, but their proposal had to be abandoned. In later years Sir Thomas Hardy originated the royal commission on historical manuscripts, and it must have been a consolation to him before his death to have a dream of his life so amply realised by the marked success which attended his laudable desire to open up the hidden treasures in the private muniment-rooms of England, Scotland, and Ireland.

Various causes have occurred to delay the completion of the present work for a long period of years beyond the time when it was originated by the ninth Earl of Haddington. It is unnecessary to explain all the circumstances which led to so much delay. But the principal of these were the death of the ninth earl almost as soon as the work was projected, and the subsequent death of his immediate successor, the tenth earl. The present earl has laudably fulfilled the intention of his distinguished kinsman, the real originator of the work.

WILLIAM FRASER.

32 Castle Street,
Edinburgh, November 1889.

MEMORIALS

OF THE

EARLS OF HADDINGTON.

ORIGIN OF THE FAMILY OF HAMILTON.

THE origin of the illustrious house of Hamilton has formed the subject of controversy by eminent historians and genealogists. But notwithstanding their learned lucubrations, the real ancestry of the family previous to Gilbert, the father of Walter Fitz-Gilbert is still shrouded in obscurity. He is now admitted by all writers to be the first authenticated ancestor of the family of Hamilton. Of Gilbert, nothing is definitely known, but his son flourished in the reign of King Robert the Bruce, and in reward for his services received grants of valuable estates, including Cadzow, now Hamilton, and Machan or Dalserf, in Lanarkshire, Kinneil and others in Linlithgowshire. None of these landed estates were known by the name of Hamilton at the date of the grants of them to Walter Fitz-Gilbert. Cadzow was a well-known forest which formerly belonged to the Crown, and there was also a family who bore the name of Cadzow. The earliest known ancestors of the Hamilton family were designated by their Christian names only, without the addition of Cadzow, or any other territorial designation. Thus, in a charter by the first Sir David in 1361, he designates himself as "Dominus David, filius Walteri, filii Gilberti;" and in the confirmation of that charter by King David the Second, in 1367, these three generations are similarly styled—"quondam Waltero filio Gilberti, militi, patri Davidis filii Walteri militis." A similar practice prevailed in the earliest members of the house of Stewart in Scotland before they assumed that surname, thus—Walter, son of Alan, Alan, son of Walter, and Walter, son of Alan,—an exact parallel to the use of the patronymic only in the earliest generations of the Hamiltons.

It was not until the time of David, the grandson of Walter Fitz-Gilbert, that the surname of Hamilton was first assumed; and Sir John de Hamilton, the son and suc-

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cessor of that David Hamilton, was the first of the family who assumed the territorial designation of Hamilton of Cadzow. The designation thus assumed by Sir John was continued by his son and grandson till the latter was created Lord Hamilton in 1445. After his creation as a baron of parliament he received a charter erecting the barony of Cadzow, and other lands, into the lordship of Hamilton. The mansion-house of the grantee, then called the Orchard, in the barony of Cadzow, was made the principal messuage of the lordship, and ordained to be styled Hamilton in future. Cadzow was also originally the name of the parish, but, like that of the barony, it came to be changed to Hamilton.

After being created lords of parliament, the Hamilton family continued to increase in dignities and estates. James, second Lord Hamilton, was created Earl of Arran, and his son, the second Earl, was created Duke of Chatelherault in France. The Duke's second son, Lord John Hamilton, was created Marquis of Hamilton. His grandson, James, the third Marquis, was created Duke of Hamilton. The title descended to his eldest daughter, Lady Anne Hamilton, well known as Duchess of Hamilton. Her Grace married Lord William Douglas, Earl of Selkirk, who was created Duke of Hamilton for life. From that marriage the present Duke of Hamilton is lineally descended. His Grace is paternally a Douglas, and is the heir-male of that illustrious family; while the present Earl of Derby is the heir-of-line of the Hamilton family in virtue of his descent from Lady Elizabeth Hamilton, who was the only daughter of James, sixth Duke of Hamilton, and her husband, Edward, twelfth Earl of Derby.

The present Duke of Abercorn and Marquis of Hamilton is heir-male of the Hamilton family, in virtue of his descent from Lord Claud Hamilton, fourth son of the Regent Arran. The Earl of Haddington is the eldest cadet of the Hamilton family, in virtue of his descent from the Hamiltons of Innerwick.

Such is an outline of the rise and progress of the great house of Hamilton. It is not the object of the present work to trace the descent of the two great lines of the ducal houses of Hamilton and Abercorn. This book is restricted to the history of the Hamiltons, Earls of Haddington, but in treating of the earliest ancestors of the first Earl of that name we cannot overlook some of the fables which have gathered around the names of the first known members of the Hamilton family, who were the common ancestors of the respective houses of Hamilton, Abercorn, and Haddington.

I.—Gilbert, ancestor of the family of Hamilton.

The earliest known progenitor of the Hamilton family in Scotland is Gilbert, the father of Walter. This is indeed the only fact that can be definitely stated about him. He, no doubt, flourished in the reign of King Alexander the Third, and probably also in that of King Alexander the Second. As the ancestry of Gilbert is unknown, much discussion has arisen as to his origin and descent. Several historians have assumed that he was descended from the great Anglo-Norman house of the Earls of Leicester. But that theory is now abandoned as quite untenable.

In his preface to the Cartulary of Paisley, Mr. Cosmo Innes remarked that that cartulary contained the chief and most authentic evidence regarding the early descent of the noble house of Hamilton. The evidence to which Mr. Innes referred was a charter in 1272 in which a Gilbert de Hameldone, clerk, was one of the witnesses. Mr. Riddell, believing that Mr. Innes had in the same preface sneered at him for reviving the question of the legitimacy of the Stewart family, was roused to retaliation. He assailed Mr. Innes with ridicule as to the evidence adduced. He insisted that the word *clericus* meant a churchman who was vowed to celibacy, and that Gilbert de Hameldone could not be the real Hamilton ancestor. Mr. Riddell also pointed out that the surname of Hamilton was known at an earlier period than 1272, at least as early as the time of King William the Lion and King Alexander the Second. In a charter by the former sovereign, two persons of the name of Hamilton, or names nearly similar to it, are witnesses, and in the charters by King Alexander other two persons of names similar to that of Hamilton also appear as witnesses. But although these appear to be the earliest instances of persons named Hamilton in Scottish charters, Mr. Riddell does not identify them as the ancestors of the house of Hamilton, or as in any way related to Gilbert and Walter Fitz-Gilbert. Many places in several counties in England are known by the name of Hamilton, or names similar to it. Gilbert and Walter may have been connected with one of these places, and it is perhaps from that circumstance that Walter Fitz-Gilbert is styled Walter, named Hamilton, "Walteri dicti Hamildon," but they do not appear as actual proprietors of any lands or estate of that name. Still the apparent connection with a place called Hamilton in England may have had a considerable influence with their immediate descendants in finally assuming their surname of Hamilton, in bestowing it upon their chief estate in Scotland, and also in retaining it when raised to the peerage of Lord Hamilton, and the higher titles of Marquis and Duke of Hamilton.

A reminiscence of the fable of the descent from the Earls of Leicester still exists in the crest of the ducal houses of Hamilton and Abercorn. It is related in Archdall's Peerage that Sir Gilbert, the first of the Hamilton family who settled in Scotland, and who is said to be a cadet of the Leicester family, left England about 1323. In the court of King Edward the Second he had extolled the merits of King Robert the Bruce, on which John de Spencer, an officer-in-waiting, and a favourite of Edward, being offended, gave him a blow. This insult led to a hostile meeting on the following day, and De Spencer was killed in the encounter. Gilbert fled to Scotland, hotly pursued. He and his servant sought shelter in a wood, where they changed clothes with two woodcutters, and taking their saw, were engaged sawing an oak tree when the pursuers arrived. Perceiving his servant to notice them, Gilbert hastily called to him "Through," which word, with the oak and the saw in it, he took for his motto and crest in memory of his happy deliverance.

This story, besides being a fable, is an outrage on chronology. Walter Fitz-Gilbert was settled in Scotland as a landed proprietor in the county of Lanark or Renfrew, and swore fealty to King Edward the First about half a century before his alleged father, Gilbert Hampton, made his flight in 1323. It is much to be regretted that the ducal houses of Hamilton and Abercorn should perpetuate this imaginary episode, and that over their princely escutcheons there should still flourish the frame-saw of the labouring sawyers.

This crest has not been uniformly borne by the Hamilton family. It was first adopted by James, first Earl of Arran, second Lord Hamilton. An armorial seal, used by him in 1518, has the three cinque-foils for Hamilton, and the galley for Arran, but no trace of the frame-saw for crest. Another seal, used by him in 1525, bears as a crest an oak tree, with a frame-saw fixed transversely in its trunk.[1] The date associates itself with the first edition of Hector Boece's History of Scotland, which was published about that time, and from which so many fabulous family origins have been derived.

The Regent Arran continued the use of the oak tree and frame-saw thus first adopted by his father, though the regent's seal in 1549 is said to be "executed in a singularly rude manner."[2] Another seal of the regent, used by him in 1560, has for the first time the motto of "Through" on a ribbon below the shield. The descendants of the regent have continued to adhere to the crest of the oak and saw, and also the motto of "Through." Many cadets of the family have also followed his example.

We might suppose that the famous oak and saw which were such material instruments in the escape of the flying manslayer Gilbert, in 1323, might have been commemorated by his descendants much nearer that date than in 1525, two centuries later, when the saw was first honoured as part of the crest over the Hamilton shield.

The first Hamilton of Cadzow who took his territorial designation from that place did carry a crest, but it was not the oak and the saw. It was a boar's head and neck. A seal bearing this crest is appended to the marriage contract of Sir John Hamilton of Cadzow in the year 1388, or only about half a century after the alleged escape of Gilbert.[3] As that baron of Cadzow appears to have turned his attention to the wood or forest for a crest, what would have been more appropriate than the oak and saw which were said to have been adopted by his earliest ancestor in Scotland in memory of his happy deliverance ? But the boar's head is significant, and may be associated with the boars who, no doubt, roamed in the famous forest of Cadzow in 1388 as freely as the wild white cattle now do in the chase of Cadzow.

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[1] Laing's Seals, vol. ii. p. 78.

[2] *Ibid.* vol. i. p. 72.

[3] *Ibid.* vol. i. p. 71, where it is described as a "fine seal."

Again, after James, first Lord Hamilton, was raised to the peerage, in 1445, he had a new seal of arms engraved. It contains a shield, *couché*, bearing three cinque-foils, and has for supporters two antelopes, gorged, and carrying pennons. The dexter pennon displays two stars on a chief, and the sinister pennon, three boars' heads, langued and tusked. The crest on a helmet is an oak tree, fructed.[1] The impression of this seal referred to is in good preservation, and shows great beauty and taste both of design and execution. The three cinque-foils in the shield are finely drawn, and so are the two antelope supporters. The large horns of the dexter antelope pass across and apparently through the trunk of the crest tree immediately below the branches and foliage, while the equally large horns of the sinister antelope supporter seem to penetrate the lower part of the trunk nearer to the helmet.

Here was a tempting chance for the frame-saw claiming its proper place in the trunk of the oak, if it had any reality in fact. But the saw is entirely wanting, and the splendid horns of the supporters take the place of that legendary instrument. This disposes of the saw, and fixes the period of its invention between this seal of 1457 and the first appearance of it in the seal of 1525. We have suggested that the boar's head and neck were significant of their derivation in the seal of the baron of Cadzow in 1388, and we think that the oak tree in the crest of his grandson in 1457 is equally significant of its derivation. The oak trees of Cadzow Forest are the largest in Scotland, and they must have been the growth of centuries, and been famous for size even in the time of the first Lord Hamilton, who was the first to adopt one of them for his crest. The trunk of the oak on his crest does not, indeed, represent the proportions of the giant oaks of Cadzow in the present day. But the growth of four centuries would add greatly to the height and breadth of the oaks. We think that the oak tree first assumed by the first Lord Hamilton, after the long connection of the family with the forest of Cadzow, is more probably a representation of one of these great oaks than of the tree in the imaginary wood in which Gilbert and his servant figured as sawyers. The motto of "Through" has probably been suggested by the great horns of the antelopes appearing to pass through the trunk of the tree. We trust that the present representatives of the ducal houses of Hamilton and Abercorn will see that it is not yet too late to dismiss the fabulous frame-saw. This would clear their escutcheons of a palpable anomaly, while the long-continued motto of "Through" could be retained with reference to its origin as here explained.

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[1] Seal appended to bond of manrent by James, Lord Hamilton, to George, fourth Earl of Angus, 23d May 1457, in the Hamilton Charter-chest. Noted in the Douglas Book, by Sir William Fraser, K.C.B., vol. iii. p. 434.

II.—Sir Walter Fitz-Gilbert.

Sir Walter Fitz-Gilbert first appears on record in Scotland in 1294, as a witness to a charter by James, high steward of Scotland to the monks of Paisley. In 1296, he swore fealty to King Edward the First at Berwick, and appears to have adhered to the English party until after the battle of Bannockburn. He then held Bothwell Castle, but that decisive battle made his tenure of the castle of Bothwell for Edward impossible, and he delivered it up to the Scots and joined the standard of Bruce, who rewarded him with various grants of land. He received, in March 1315, a charter of the lands of Machan or Dalserf, to himself and his heirs by Mary Gordon his wife. This was followed about 1323 by a grant of the lands of Cadzow, afterwards known as Hamilton, and also of the barony of Kinneil, with Larbert and Auldcathy.[1] Walter Fitz-Gilbert was twice married, his first wife's Christian name being Helen, but of what family she was is not known. His second wife was Mary Gordon, by whom he had two sons:

1. David, described as David Fitz-Walter, who succeeded to his father in Cadzow and other lands, and carried on the main line of Hamilton.
2. John, ancestor of the Hamiltons of Innerwick and the Earls of Haddington, and of whom a notice follows.

III.—John, second son of Sir Walter Fitz-Gilbert.

John, the second son of Walter Fitz-Gilbert, is described throughout his life as "John, son of Walter," or "John, son of Sir Walter," though in one case the addition "called of Hamilton" is made to his father's designation. Little is known of his history, but he occurs frequently under the names mentioned as a witness to charters between 1365 and 1381, the last-named date being the latest reference to him which has been found.[2] He was, on 11th October of that year, a witness to a charter by his nephew, David Hamilton, and his wife, confirming a grant by William Galbraith of "Kattonvall," or Gartconnel, to his son, James Galbraith.[1]

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[1] Historical MSS. Commission, 11th Report, App. vi. pp. 12, 13. Walter Fitz-Gilbert is said to have had a brother, John Hamilton of Fingalton, from whom the Hamiltons of Preston are descended. But John Hamilton of Fingalton was the son of David Fitz-Walter, and was therefore the grandson of Walter Fitz-Gilbert. This can be proved by undoubted evidence. (Historical MSS. Commission, 11th Report, App. vi. pp. 3, 15, 29.) The Hamiltons of Innerwick are therefore the oldest cadets of the house of Hamilton.

[2] Registrum Magni Sigilli, vol. i. p. 40, No. 108; Registrum Honoris de Morton, vol. ii. pp. 83, 106, 115, 117.

John Hamilton, son of Walter, is usually said to have been twice married, it being assumed that he obtained the barony of Innerwick by his first wife, who, it is alleged, was "Isobel, daughter and heiress of Sir Roger de Glay, Lord of Innerwick, with whom he got the lands and barony of Innerwick in East Lothian."[2] But the writer of this statement advances no proof in support of it, and it is open to dispute. No Roger de Glay has been found at the period. A Roger Fitz-Glay appears as a vassal of the High Steward about 1225, or a century before John Hamilton, while it is doubtful if he were lord of Innerwick. Further, there is reason to believe that this John Hamilton never possessed Innerwick at all, but that his son was the first Hamilton who held that barony.

The only wife of John Hamilton who has been found on record was Elizabeth Stewart, daughter of Sir Alan Stewart of Darnley and Crookston, who was killed at Halidon in 1333. Her eldest brother, Sir John Stewart of Darnley, some time after the year 1346, bestowed upon her and her husband, John Hamilton, the lands of Ballencrieff, with the mill, Balbardie, Cousland, Torbane, and others, in the barony of Bathgate, and county of Linlithgow. This charter was confirmed to the grantees in January 1370, by John, Earl of Carrick, afterwards King Robert the Third.[3]

IV.—SIR ALEXANDER HAMILTON, FIRST OF INNERWICK.

These lands of Ballencrieff and others, John Hamilton, styled "John, son of Walter," granted or resigned in favour of his only known son, Alexander Hamilton, who is the first designed of Innerwick.[4] This barony was not inherited by Alexander Hamilton, as has been stated by genealogical writers, but was derived to him through his wife, Elizabeth Stewart, second daughter and one of the two co-heiresses of Thomas Stewart, second Earl of Angus, who died about 1361. The elder sister of Elizabeth was Margaret Stewart, who married Thomas, last Earl of the ancient line of Mar, and was left a widow about 1374.

Elizabeth Stewart and Alexander Hamilton were still unmarried in 1379, when the former, under an arrangement, sanctioned if not suggested by King Robert the Second, resigned her share of the lands and baronies inherited from her father, the Earl of Angus, in favour of her elder sister, Margaret, Countess of Mar, who afterwards assumed the title of Countess of Angus and Mar.[1] Among these baronies was that of Innerwick, in the county of Haddington, which was resigned in the hands of the Steward of Scotland, then John, Earl of Carrick.[2] Some time afterwards, Margaret, Countess of Angus, granted to her sister, Elizabeth Stewart, and Alexander Hamilton, her spouse, the same lands of Innerwick, and also the lands of Balbyne or Balnabein and Drumcairn, in the lordship of Abernethy, Perthshire. The charter is not dated, but was confirmed in 1389 by King Robert the Second.[3] This may, however, have been some years later, as in the interval Alexander Hamilton had been made a knight.

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[1] Anderson's History of the House of Hamilton, pp. 453, 454.

[2] *Ibid.* p. 307.

[3] Charters quoted in the Genealogy of the House of Stewart, by Andrew Stuart, pp. 75-77.

[4] *Ibid.* p. 97. Charter not dated, but said to be confirmed about 1400.

Along with the confirmation of the lands of Innerwick, King Robert, on the same day, granted a charter of the earldom of Angus, in which Sir Alexander Hamilton and his wife had an interest. Margaret Stewart, Countess of Angus and Mar, in April 1389, resigned her earldom of Angus in favour of George Douglas, her son by William, first Earl of Douglas and Mar, and the king accordingly granted the territory to George Douglas and his heirs, with a clause of reversion in favour of Sir Alexander Hamilton, his wife Elizabeth, and their issue.[4]

Sir Alexander Hamilton is said to have survived till the reign of King James the First, but little further is known regarding him. His castle of Innerwick, on the coast near Dunbar, was in the hands of the English for a short time after the battle of Homildon, in September 1402, and was taken from them with some difficulty by a Scottish force under Robert, Duke of Albany.

V.—Sir Archibald Hamilton, second of Innerwick.

Sir Alexander Hamilton was succeeded by his son Archibald, who apparently did not obtain full possession of his lands until the year 1454, when he received from the Crown a sasine of Innerwick, Balnabein, and Drumcairn.[5] Four years later he received from John Stewart, lord of Darnley, a charter of the lands of Ballencrieff and others, to be held blench for one pound of pepper.[6] He is said to have married the daughter of a neighbouring proprietor, Margaret, daughter of John Montgomerie of Thornton. No charter evidence has been found to instruct this, but there appears to have been a friendship between the families.[7] Some time between 1458 and 1465 Archibald Hamilton was made a knight, and appears in various writs as Sir Archibald Hamilton.

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[1] The Douglas Book, by Sir William Fraser, K.C.B., vol. ii. p. 13; cf. vol. iii. p. 362.

[2] *Ibid.* vol. iii. p. 27. The charter is dated 28th March 1379, and is granted by Elizabeth Stewart in her pure virginity.

[3] *Ibid.* pp. 400, 401; cf. also Antiquities of Aberdeen, etc., vol. iv. p. 161.

[4] The Douglas Book, vol. ii. p. 17; vol. iii. p. 364.

[5] Exchequer Rolls, vol. ix. pp. 662, 663.

[6] Charter dated 10th May 1458, quoted in Anderson's History of House of Hamilton, p. 308.

[7] Cf. Memorials of the Montgomeries, by Sir William Fraser, K.C.B., vol. ii. pp. 38, 42.

He was alive in 1482, but died between that year and July 1488, perhaps about 1485, or he may have been killed at the battle of Sauchie on 11th June 1488. He had issue, beside a son Alexander, who succeeded him, a daughter, Alison, who married her kinsman, John Montgomerie of Thornton.[1]

VI.—Sir Alexander Hamilton, third of Innerwick.

The first notice of this laird of Innerwick is in 1465, when he received a charter to himself and Isobel Schaw, his wife, of the lands of Ballencrieff and others.[2] He was then designed son and apparent heir of Sir Archibald Hamilton of Innerwick, and he continued to be styled during his father's lifetime Alexander Hamilton of Ballencrieff. He was still so styled in 1482, but some time between 1485 and 1488 he succeeded to Innerwick, resigning Ballencrieff to his son Hugh. He and his son in 1488 raised an action against a Malcolm Dungalson or Macdowall, who had harried the lands of Ballencrieff, and carried off cattle and horses and other goods to the value of 80 merks. In the end the Lords of Council adjudged the culprit or his cautioner, Robert Carlile, to pay 100 merks Scots.[3] Sir Alexander is referred to in 1502 as having a mortgage of £20 Scots over certain lands belonging to Matthew, Lord Darnley, but the details of the transaction are not fully recorded.[4] Sir Alexander Hamilton died about the year 1505. By his wife, Isobel Schaw, who is said to have been a daughter of John Schaw of Sauchie, Sir Alexander Hamilton had issue—

1. Hugh, who succeeded his father in the lands of Innerwick, Ballencrieff, and others. He married Margaret Kennedy, and died about 1512, leaving, with other issue, a son James, who succeeded him, and continued the main line of the family of Hamilton of Innerwick.
2. John, who is named in the Treasurer's Accounts of November 1489 as a son of the Laird of Innerwick, and received a payment of £5, 6s. 8d. Scots by order of the king.[5]
3. Alexander, who is named in a charter of 1503.[6]
4. Mr. Thomas, afterwards of Orchardfield and Priestfield or Prestonfield, ANCESTOR of the EARLS OF HADDINGTON. Of him a notice follows.
5. Alison, who is referred to along with her aunt of the same name, in a law-plea as to spoliation of their goods on the lands of Thornton.[7]

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[1] Registrum Magni Sigilli, vol. ii. Nos. 2211, 2467.

[2] Charter by John, Lord Darnley, 18th November 1465; Anderson's History, etc., p. 308.

[3] Acta Dominorum Concilii, pp. 90, 132.

[4] The Lennox, by Sir William Fraser, K.C.B., vol. ii. p. 169.

[5] Treasurer's Accounts, vol. i. p. 125.

[6] Anderson's History, p. 309.

[7] Acta Dominorum Concilii, p. 146.

VII.—Mr. Thomas Hamilton, Advocate, of Orchardfield, and the first Hamilton of Priestfield.

Thomas Hamilton, who was the direct ancestor of the Hamiltons of Priestfield, is usually stated to have been the son of Hugh Hamilton, Laird of Innerwick between 1505 and 1512. But in a charter of 1538 their respective sons are described as cousins,[1] which proves that Hugh and Thomas Hamilton were brothers, and not father and son.

Nothing is known of the earlier years of Thomas Hamilton. He appears to have entered the legal profession, as he is usually styled Mr. Thomas Hamilton, and the first notice of him which has been found on record is as advocate in a law-plea before the Lords of Council, when he acted for John Schaw of Kerse, son and heir-apparent of John Schaw of Haly, probably a relative.[2] Mr. Thomas Hamilton was a burgess of Edinburgh, though the date of his admission has not been ascertained. He took part in a conference of the Provost and citizens of Edinburgh on 18th April 1516, as to leasing the common moor of Edinburgh, but otherwise his name does not occur in the civic records, and he is not known to have held any civic office. This was probably owing to the fact that because of the long-continued disputes between the Hamiltons and the Douglases, it was decreed, in 1520, by John, Duke of Albany, that members of those two factions should not be eligible for office in the city of Edinburgh.[3]

Mr. Thomas Hamilton is referred to in connection with the lands of Priestfield, now Prestonfield, for the first time in 1519. Without detailing the history of these lands too minutely, it may be mentioned that in 1510 King James the Fourth bestowed them, along with others, on his "familiar" Walter Chapman, burgess of Edinburgh, and Agnes Cockburn, his spouse.[4] Walter Chapman was the first to introduce printing into Scotland, by which he realised a considerable fortune. Chapman, however, held Priestfield in superiority, not in actual possession, the proprietors being a family of the name of Cant, also burgesses of Edinburgh, who had held the lands from a former superior, John Wardlaw of Riccarton.[5] Henry Cant of Over or Upper Liberton, in 1519, in consideration of a sum of money, bound himself that, so soon as he obtained sasine of Priestfield, he should infeft therein Mr. Thomas Hamilton, and his wife, Margaret Cant, who was Henry's aunt by the father's side. In addition to Priestfield, Hamilton was also to receive possession of a tenement in the wynd called Cant's Close, in the burgh of Edinburgh, on the north side of the High Street, opposite the entry of Saint Giles' Church, called the "stynkand stile." These lands and tenement had belonged to the deceased Adam Cant, uncle of Henry Cant, and were still in possession of his widow, Agnes Tod, as conjunct fiar.

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[1] Registrum Magni Sigilli, vol. iii. No. 1819.

[2] Robertson's Records of Parliament, p. 541. 20th January 1513-14.

[3] Burgh Records of Edinburgh, vol. i. p. 160.

[4] Registrum Magni Sigilli, vol. ii. No. 3397; Original charter, 5th January 1509-10, in Prestonfield Charter-chest; Wardlaw of Ricartoun having sold the superiority to Chapman on 31st March 1509. Original writ, *ibid.*

[5] Adam Cant, burgess of Edinburgh, received a sasine of Priestfield, on 6th October 1463, from John Wardlaw of Ricartoun, followed by another to Adam Cant, eldest son of Henry Cant of Brownfield, 30th January 1486. [Writs in the Prestonfield Charter-chest.]

But it was not until the year 1523 that Mr. Thomas Hamilton obtained a complete legal right to Priestfield. In the interval, apparently, he acquired the lands of Orchardfield, a small estate not far from the West Port of Edinburgh. He is designed Mr. Thomas Hamilton of Orchardfield in a contract between himself, Henry Cant of Liberton, and Agnes Tod, widow of the late Adam Cant, of date September 1522. The widow having married again, with consent of John Preston, now her husband, renounced her rights over Priestfield and the house in Cant's Close. A few months later, Henry Cant resigned Priestfield in the hands of his over-lord, Walter Chapman, who, in June 1523, personally gave sasine of the lands to Hamilton.[1] About the same time the latter also obtained possession of the house in Edinburgh, but he entered into a contract with Henry Cant to respect the reservation of Cant's liferent in both properties.[2]

Before passing from the above references to Walter Chapman, it may be of interest briefly to notice some other lands held by him, his possession of which throws discredit upon a traditionary anecdote in the history of King James the Fifth. The story is told by Sir Walter Scott in his "Tales of a Grandfather," to the following effect: King James the Fifth on one occasion being alone and in disguise, fell into a quarrel with some gipsies, and was assaulted by four or five of them, near Cramond Bridge, about five miles west of Edinburgh. The noise of the scuffle, in which the king defended himself bravely, attracted the notice of a poor man thrashing corn in a barn near by, who took the King's part with his flail, to such good purpose that the gipsies were obliged to flee. The husbandman then took the king into the barn, brought him a towel and water to wash the blood from his face and hands, and finally walked with him a little way towards Edinburgh, in case he should be again attacked. In answer to the King's questions the man told him that his name was John Howison, that he was a labourer on the farm of Braehead, near Cramond, which belonged to the King of Scotland, and he confessed he should think himself the happiest man in Scotland were he but proprietor of the farm on which he wrought as a labourer. The remainder of the story relates how that the king, preserving his incognito, invited the poor man to Holyrood, showed him the apartments of the palace, and then revealing his own identity, conferred on John Howison a grant of the farm of Braehead on condition that he or his successors should be ready to present a ewer and basin for the king to wash his hands, when his Majesty should come to Holyrood Palace, or should pass the bridge of Cramond.[1] Sir Walter Scott winds up his account of this tradition by stating, what was no doubt within his own knowledge, that "accordingly, in the year 1822, when George the Fourth came to Scotland, the descendant of John Howieson of Braehead, who still possesses the estate which was given to his ancestor, appeared at a solemn festival and offered his Majesty water from a silver ewer, that he might perform the service by which he held his lands."

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[1] Original contract, dated 2d September 1522; Resignation, 5th February 1523; Sasine, 29th June 1523, all in Prestonfield Charter-chest.

[2] Contract, 4th July 1523, *ibid.*

This service of Ewry was the tenure by which the lands called Ewerland in Cramond-regis or Over Cramond, was held from an earlier period than the reign of King James the Fifth. These lands, which are valued at forty shillings of old extent, were, in 1505, in the possession of two coheiresses, Elizabeth and Isabella Dayes. The former married Bartholomew Aytoun, and the latter married John Bolton. They resigned Ewerland into the hands of King James the Fourth, in favour of Walter Chapman. He received a charter of the lands from the king on 24th May 1505, the reddendo being the service of "Ewry,"[2] "*servitium lavacri*," thence due and customary in name of blench farm, if asked, and from them he took his designation as Walter Chapman of Ewerland.[3] This was prior to his acquiring the lands of Priestfield in 1510. His nephew, Mr. John Chapman, succeeded him in 1532, his estates again being inherited by his sister, Margaret Chapman, whose son, John Newlands, on his marriage with Mariota Chapman, daughter of William Chapman, writer in Edinburgh, obtained, in 1565, a charter of the lands of Ewerland and Priestfield from his mother.[4]

The lands of Ewerland were, in 1643, acquired by purchase by Sir Patrick Hamilton of Little Preston, brother of Thomas, first Earl of Haddington. Sir Patrick also possessed certain other lands in the territory of Cramond-regis as early as the year 1620. Dying in 1662, he was succeeded in these lands by his son, Sir Patrick Hamilton of Little Preston and Falahill, who, with consent of his eldest son, James Hamilton, sold the lands of Ewerland to Alexander Howison by contract of alienation, dated 8th and 10th August 1698. On the resignation of Sir Patrick Hamilton, and his son James, Alexander Howison, who is designated therein "of Braehead," received a charter of Ewerland, under the great seal, on 7th September 1698.[5]

This Alexander Howison of Braehead, according to Mr. Wood's work on the parish of Cramond,[6] was eighth in direct descent from John Howison, a burgess of Edinburgh, who was in possession of some lands in the territory of Cramond-regis prior to the year 1465. His immediate ancestor was James Howison, who, in another charter granted on 14th December 1700, by King William the Third to Alexander Howison and his spouse, is designated "portioner of Cramond." In this charter the king confirms a disposition, of date 28th May 1664, by the deceased James Huisone and his spouse, Alison Ramsay, to his eldest son and apparent heir, Alexander Huisone, in view of the latter's marriage to Martha, daughter of William Young in Craigleith, to whom he had been contracted on 8th March preceding, of the lands called the tenandry lands, lying within the village of Cramond-regis, formerly held of the king by William Douglas of Earlsmiln.[1] Prior to this date there is no mention on record of the lands of Braehead. Alexander Howison, the son of James Howison, portioner of Cramond, is the first to assume the style "of Braehead," and his descendants have continued that territorial designation. The inference is that Alexander Howison consolidated the lands he received from his father, with others he acquired by purchase, and, as united, gave them the name of Braehead. Ewerland, however, was kept distinct, owing to its peculiar tenure. This is evident from a charter of entail granted by Queen Anne, on 3d March 1702, to William Howison of Braehead, the eldest son of Alexander, fixing the *reddendo* of the tenandry lands at 200 merks Scots for ward, non-entry, relief, and marriage, and that of Ewerland, as "*servitium lavacri*," if asked only.[2] They are also kept distinct in the retour of William's son, John Howison, as heir to his father, on 12th August 1734.[3] He married Elizabeth Craufurd, heiress of Craufurdland, and their daughter and heiress, Elizabeth Howison Craufurd, who married the Rev. James Moodie of Perth, was the proprietrix of Craufurdland and Braehead in 1822, when King George the Fourth visited Scotland. It was in her place, as owner of Ewerland, that her grandson, Mr. Howison Crauford, then younger of Braehead, presented rose-water in a basin, with a towel, to the king, at the banquet given in his honour by the city of Edinburgh. But from this narrative it is evident that the tradition so graphically related by Sir Walter Scott with regard to the Howisons and Braehead has no foundation in fact.

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[1] "Tales of a Grandfather," ed. 1869, pp. 95, 96.

[2] Registrum Magni Sigilli, vol. ii. No. 2855.

[3] Charters of the Collegiate Church of St. Giles, Edinburgh, pp. 203-246.

[4] Registrum Magni Sigilli, vol. iv. No. 1722.

[5] *Ibid.* Lib. lxxv. No. 33.

[6] P. 289.

Besides Priestfield, Mr. Thomas Hamilton had interest or property in other lands. Thus, in August 1523, he granted in favour of Sir James Hamilton of Finnart, a letter of reversion for redemption of the lands of Whitrig, in the county of Stirling, mortgaged by Sir James for the sum of 120 merks.[4] Mr. Thomas Hamilton also at this time acquired in lease certain lands which afterwards became the property of his family. These were the lands of Dummany or Dalmeny, near Queensferry, the church of which, with its emoluments, was held by the abbey of Jedburgh. In September 1522, John Home, then abbot of Jedburgh, granted to Mr. Thomas Hamilton, his son Thomas, and the longer liver of them two, a lease of the teind sheaves and parsonage teinds of the church of Dalmeny, to endure for nineteen years, at a yearly rental of 200 merks.[1]

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[1] Registrum Magni Sigilli, Lib. lxxvii. No. 39.

[2] *Ibid.* Lib. lxxviii. No. 67.

[3] Lindsay's Retours to Chancery, *sub dato.*

[4] Reversion, 8th August 1523, in Haddington Charter-chest.

Mr. Thomas Hamilton of Orchardfield and Priestfield deceased sometime before or during the year 1537, and was succeeded in his various lands by his eldest son Thomas, of whom a notice follows. He had also a son George, hitherto unnoted by genealogists, who was enrolled as a burgess of Edinburgh as second son of the late Mr. Thomas Hamilton, and paid the usual fees on 29th April 1541. Nothing further has been discovered regarding him.

VIII.—Thomas Hamilton, second of Priestfield, etc.

According to Sir John Scott of Scotstarvet, the second Hamilton of Priestfield was a merchant in the West Bow of Edinburgh. He succeeded his father sometime previous to the year 1537, and is stated to have received sasine of his lands in that year. One of his first recorded acts was to make an exchange of certain lands with his cousin, James Hamilton of Innerwick. It has already been shown that the Lairds of Innerwick held from an early date the lands of Ballencrieff and others in West Lothian, and also those of Balnabein and Drumcairn in Perthshire. Ballencrieff had come into possession of Thomas Hamilton of Priestfield, and he now exchanged it and other lands in Linlithgow for the Perthshire estates held by his cousin. The exchange was effected in August 1538, and was ratified by Crown charters of the lands to each of the parties.[2]

In the following year Thomas Hamilton entered into a contract with Henry Cant of Over Liberton, by which the latter, in consideration of an annual payment of £40 Scots for his life, renounced the liferent rights he had formerly reserved over Priestfield and the house in Cant's Close.[3] Two years later, Hamilton, as son and heir of his father, the late Mr. Thomas Hamilton, was, with his younger brother George, admitted a burgess and guild brother of Edinburgh, paying 20s. for the privilege.[4] In 1544 he received an assignation of the non-entry and relief dues exigible from the superiors of his own lands, which had been granted by the late King James the Fifth to certain burgesses of Edinburgh.[5]

Thomas Hamilton, second of Priestfield, was killed at the battle of Pinkie, 10th September 1547. According to some authorities he was twice married. His first wife is said to have been Janet, daughter of John Crawford of Bothkennar. This, however, is doubtful, and his wife appears to have been Elizabeth Leslie, a daughter of Robert Leslie of Innerpeffer. Her father was accused in 1540 of conspiring with the Douglases against the life of King James the Fifth, and his widow and children, including Elizabeth, and Thomas Hamilton, her husband, for his interest, were summoned by name several times to hear sentence of forfeiture pronounced, but they did not appear. After the death of King James, Robert Leslie's family were acquitted by Parliament.[1] Elizabeth Leslie survived her husband, and married William Hutson, who was a consenting party to a contract in 1557, between her and the curators of her son.

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[1] Original lease, 14th September 1522, in Haddington Charter-chest.

[2] Registrum Magni Sigilli, vol. iii. Nos. 1819-1825; Exchange, dated 2d August 1538; Crown charters, dated 6th and 20th August 1538.

[3] Contract, 26th June 1539, in Prestonfield Charter-chest.

[4] Burgess Roll, 29th April 1541.

[5] Assignation, 4th April 1544, in Prestonfield Charter-chest.

Thomas Hamilton, second of Priestfield, left issue—

1. Thomas, who succeeded to his father, and of whom a notice follows.
2. John, who became a secular priest of the Church of Rome, and distinguished himself by his zeal on its behalf. He appears to have entered as a student at St. Andrews about the year 1555, when Edmond Hay, the Jesuit, was one of the regents, and he seems to have taken the degree of M.A. in 1559. In 1569 he was appointed one of the regents of St. Mary's College, where he taught philosophy, and in 1574 he was an elder of the kirk-session of the parish of St. Andrews. It thus appears that during his earlier years he was a staunch professor of the Reformed religion, which accounts for the epithet "apostate" applied to him by Calderwood and others.[2] He is usually said to have left Scotland and gone to Paris in 1573, but there is evidence to show he was still at St. Andrews in 1575.[3] In 1576, however, he is found acting as tutor to the Cardinal de Bourbon, and later to Francis de Joyeuse, afterwards a cardinal. In 1584 he was chosen rector of the University of Paris, and in the following year was presented to the cure of the parishes of St. Cosmus and St. Damian. He was a zealous partisan of the Catholic League, and in 1590, when King Henry the Fourth besieged Paris, he excited the religious orders against the Protestant king, and marched at the head of a force of armed ecclesiastics to attack the heretic army. His chief act of fanaticism, however, which even Catholic writers find it difficult to palliate, was his permitting the death of Brisson, the president of the Parliament of

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[1] Acts of the Parliaments of Scotland, vol. ii. pp. 423*, 424*.

[2] Calderwood's History, vol. vii. p. 21. He is also so described in Acts of the Privy Council, where he is stated to have been educated in, and to have professed, "the trew religioun."

[3] Session Records and University Records of St. Andrews. This fact clears this John Hamilton of the charge made against him by Froude and other historians, of being identical with another John Hamilton, known as the "skirmisher," an agent of the Duke of Alva, and reputed murderer of Admiral Coligny. Coligny was killed in 1572, and the subject of this notice was then at St. Andrews. [Cf. Bannatyne's Memorials, p. 51; Burton's History of Scotland, 2d ed. vol. v. p. 38.]

Paris, a man distinguished as a writer, who was murdered by a furious populace, and his body insulted.[1] Hamilton also, even after King Henry the Fourth had declared his conversion to the Catholic faith, endeavoured, on the very day of the king's entry into Paris, to expel him by force of arms. This attempt failed, and Hamilton was arrested, but received permission to leave France, whence he went to Brussels.

In the year 1600, Pope Clement the Eighth sent to England to warn all who professed the Roman faith there, not to admit any man to be king unless he bound himself by an oath to uphold their religion, and at the same time Hamilton came to Scotland on a similar errand, accompanied by a well-known Jesuit, Edmund Hay, brother of Hay of Megginch, in Perthshire. So soon as their arrival was known a proclamation was issued against them and other priests, forbidding all intercourse or communion with them under pain of treason.[2] This was in November 1600; but notwithstanding the Act in question, and similar proclamations, from time to time, we find Hamilton, who occasionally assumed the name of "John Thomson," being resetted among friends in various parts of Scotland.

His first refuge is said to have been the house in the Cowgate occupied by the president of the College of Justice, Alexander Seton, Lord Fyvie. Witnesses were examined before the Privy Council, who deponed to Hamilton's being there secreted in a chamber, and celebrating mass. He was described as a little man, red-faced, and above fifty years of age, but the evidence given was somewhat contradictory, and no proceedings were taken.[3] After that, Hamilton is heard of in Fife, then at Dumfries, where he celebrated mass, and baptized children, under the protection of Lord Herries, whence he passed into Aberdeenshire. At one time a price of £1000 Scots was set upon his head, but for several years he escaped capture. This continued immunity was ascribed to the influence of his nephew and former pupil, Sir Thomas Hamilton of Drumcairn, then lord advocate, and the latter was openly charged with the fact by Mr. Andrew Melville, in the famous conference at Hampton Court, in September 1606.[4] Three years later, however, being, it is said, betrayed by treacherous friends, Hamilton was seized by a party of the king's guards, "ministers of Satan," according to Dempster,[1] and conveyed to London, where he was imprisoned in the Tower. He is said to have been seized while residing at Airlie Castle, in Forfarshire, but of this there is no clear evidence. It was by the active agency of John Spottiswood, archbishop of Glasgow, that Hamilton's place of refuge was discovered. He had a commission empowering him to search for Jesuits in Dumfriesshire; and from a letter from King James to the Privy Council of Scotland commending the prelate it appears probable that the arrest took place in that county.[2] John Hamilton died in the Tower in 1610. He was the author of several theological treatises.

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[1] Dempster's "Historia Ecclesiastica," vol. ii. p. 358.

[2] Register of Privy Council, vol. vi. p. 172.

[3] Register of Privy Council, vol. vi. pp. 858, 859.

[4] *Ibid.* pp. 196, 297, 326, 327, 598; vol. vii. pp. 156, 259, etc.; Calderwood, vol. vi. pp. 576, 577.

Besides these two sons, Thomas Hamilton, second of Priestfield, had others, but their names have not been ascertained.[3] He had also a daughter, Marion, who appears to have married James Makcartnay, a lawyer in Edinburgh, and had issue.[4]

IX.—Mr. Thomas Hamilton, third of Priestfield, Lord Priestfield, and father of Thomas, first Earl of Haddington.

He was a minor when his father was killed at Pinkie, but, as was common in such cases, he was served heir while still under age. On 15th April 1549 he was retoured heir to his father in the lands of Balnabein and Drumcairn in Perthshire, Priestsgill, in the barony of Avondale, Lanarkshire, and the church lands of Dalmeny, in the county of Linlithgow.[5] As to his lands of Priestfield, it is doubtful if he then entered to full possession of them, as it was not until February 1564 that he received from Agnes Cockburn, widow of the late Walter Chapman, a precept for infefting him in these lands as heir of his grandfather, the late Mr. Thomas Hamilton, who was the last to receive sasine therein.[6] This precept also conveyed a gift of the non-entry duties and others exigible by the superior from the lands. It is not quite clear when Hamilton reached his majority, but it may have been about the year 1561, and during his minority he was under curators, one of these being James Heriot of Trabroun, whose daughter Elizabeth he married in 1558.

There is evidence which seems to imply that he took the degree of M.A. at St.

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[1] Historia Ecclesiastica, p. 357. The king's guards were a new body of forty horsemen, appointed soon after the king went to England, who, under the command of Sir David Murray of Scone, formed a flying police for the apprehension of criminals and others. They acted under the orders of the Privy Council. [Register of Privy Council from 1604, *passim.*]

[2] Original letters relating to ecclesiastical affairs in Scotland. Bannatyne Club, vol. i. pp. 409*-411*.

[3] Cf. Acts of the Parliaments of Scotland, vol. iii. p. 383.

[4] Vol. ii. of this work, p. 116.

[5] Retours for Perthshire, No. 7; for Lanark, No. 1; and for Linlithgow, No. 4.

[6] Original precept, 5th February 1564, and sasine thereon, 9th February 1564, in Prestonfield Charter-chest.

Andrews in 1559, at the same time with his brother John, and two years later, in November 1561, he was made a burgess of Edinburgh, in right of his father.[1] On 21st February 1561 he was a witness to a charter by his father-in-law for implementing a contract of marriage, dated 1st October 1560, between James Heriot, younger of Trabroun, and Isabella, daughter of Sir Richard Maitland of Lethington; and in February 1563 he is named in a precept of sasine for infefting James Makcartnay and others in certain church lands near Dunbar.[2] He appears also in June 1565 as one of the inquest who retoured Lady Margaret Douglas, Countess of Matthew, Earl of Lennox as heir to her grandfather, George, Master of Angus.[3] In the following year, 1566, Hamilton was one of several sureties who bound themselves with their chief, the Duke of Chatelherault, Earl of Arran, that he would confine himself to a residence in Hamilton Castle, or four miles round it, during the pleasure of the king and queen—Mary and Darnley.[4]

Thomas Hamilton of Priestfield was in Paris in 1568, probably pursuing the study of law, as he seems to have entered the legal profession. We learn this from a letter addressed to him by his "brother," or brother-in-law, James Makcartnay, apparently a writer in Edinburgh. The chief portion of the letter is occupied with legal business relating to the teinds and other church property to which Hamilton had right in the parish of Dalmeny, and gives the history of certain law-pleas which had arisen out of claims put forward by other lairds, and the refusal of some to pay the teind dues.

As to private affairs, the writer announces a legacy to Hamilton of £30 from old "lady Cragyhall," with £8 to his father-in-law. It is not clear what relation this lady bore to Thomas Hamilton, but she may have been his grand-aunt. She married James Dundas of Craigton before 1533, but she had previously been the widow of a Stewart of Craigiehall, as in the earliest charter to her and her spouse she is described as "lady of Cragyhall," of which, no doubt, she was liferentrix.[5] Her son or grandson, James Dundas of Newliston, was chargeable with payment of the legacy. The writer also refers to the arrival from abroad of two of Hamilton's uncles. One of them was named Mark, but whether his surname was Hamilton or Leslie has not been ascertained. The other, an uncle by the mother's side, William Leslie, had been seized by Lord Home soon after leaving Berwick, taken first to Home Castle, and then confined in Edinburgh Castle, all his writings being sent to the Regent Murray. But no further allusion to this seizure has been found in contemporary record, probably because, a few weeks later,

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[1] Burgess Roll, 8th November 1561.

[2] Registrum Magni Sigilli, vol. iv. No. 2677; vol. v. No. 1151.

[3] 9th June 1565. The Lennox, by Sir William Fraser, K.C.B., vol. ii. p. 263.

[4] Register of the Privy Council, vol. i. p. 453.

[5] Laing Charters in Edinburgh University Library; Registrum Magni Sigilli, vol. iii. No. 2920.

Queen Mary's escape from Lochleven eclipsed all lesser matters. The letter concludes with items of personal news, and a desire for Hamilton's speedy return.[1]

The latter was again in Scotland in April 1571, and was then acting as a partisan of Queen Mary. This is evident from a letter written by himself to William Panther, an agent or secretary of John Lesley, bishop of Ross, then ambassador in England for the Scottish queen. In the letter, Hamilton refers to William Leslie, probably his uncle, whom he had proposed to make his messenger, but he writes to Panther instead. Notice is taken of the journey to France of James Bruce, probably another agent for the queen, and the writer then recommends to the good offices of his correspondent the bearer, Francis Lyntoun, that the bishop may further his voyage to France also. Hamilton speaks of Lyntoun as a "trew subiect of the quenis grace," adding that he had been "so helplie ane frend in my trowble qwhilk I sustenit for the quenis seruice," and appealing to Panther's memory of the fact. The writer then, "for news," informs his correspondent of the challenge sent by Sir William Kirkcaldy of Grange, captain of Edinburgh Castle, to the Regent Lennox.[2] Both the king's and the queen's parties, says Hamilton, "ar with all diligens makand for the feeldis, and I trest surelie your nixt newes furth of this contrey salbe of bluid." [3]

It is not certain how far Thomas Hamilton himself was concerned in the conflict of parties, but the above letter refers to activity in Queen Mary's service, which is corroborated by a letter written in 1607 by his son, then lord advocate, which will be afterwards noticed more fully. In 1613 also, when his son was created Lord Binning, the patent of nobility, in addition to the services of the lord advocate, details those of Thomas Hamilton the elder, "who in his youth suffered loss of almost all his goods and gear, frequently placed his life in the utmost danger, and freely shed his blood for the lawful protection of the just authority" of Queen Mary.[4] In 1572, Hamilton of Priestfield was included in a proclamation of outlawry directed by the king's party against the Earl of Arran, and the other principal members of the family, who were then accounted adherents of Queen Mary, but he also benefited by the pacification which, in 1573, took place between the Hamiltons and the Regent Morton.[5] While he was under the sentence of outlawry, Hamilton's lands of Priestfield were bestowed upon Andrew Murray, younger of Arngask, son and heir of Sir Andrew Murray of Arngask, knight,[6] but they were probably restored shortly after the pacification. He is designed of Priestfield a few months later in a complaint made against him and George, Lord Seton, with others, by Alexander Home of North Berwick Mains. Home stated, in presence of the Regent Morton and his Council, that a certain Ralph Swynno, a fugitive from English justice, had, in October 1572, made a raid on the complainer's farm of Trottanschaw in the Lammermoors, carried off his cattle, and wounded the wife of one of his tenants. In the following June, Home, while riding from Edinburgh to North Berwick, came suddenly upon and seized the marauder, and was bringing him to the Council, when, at the east end of Seton sands, the party were attacked by a band headed by Lord Seton and Thomas Hamilton, who not only rescued the prisoner, but applied opprobrious language to his captor. The defenders were ordered to give up the culprit to Home's custody, or to satisfy for the injuries done, but the result is not recorded.[1]

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[1] Vol. ii. of this work, pp. 115, 116.

[2] Cf. Diurnal of Occurrents, pp. 206-208.

[3] Vol. ii. of this work, pp. 201, 202.

[4] Diploma of title of Lord Binning, 19th November 1613, in Haddington Charter-chest.

[5] Register of the Privy Council, vol. ii. pp. 155, 196.

[6] Registrum Magni Sigilli, vol. iv. No. 2050.

During the next few years the only reference found to Hamilton shows him at Arbroath in 1577, probably in attendance on the then chief of his house, John Hamilton, commendator of that monastery.[2] In 1579, when the advisers of the young king, who had then assumed the government, proceeded against the chiefs of the Hamiltons, and destroyed their castles and goods, Hamilton of Priestfield shared their fate so far that he was included in the summons requiring them to appear before the Council, but he appeared and offered security of 1000 merks that he would obey the government, James Heriot of Trabroun being his cautioner.[3] When the Hamiltons, with the Earls of Angus and Mar and the other "banished lords," returned from England in 1585, and were restored to favour, Thomas Hamilton also was named in the Act of Parliament which rescinded all forfeitures and restored all parties to their respective estates.[4] Further notices refer to him as security for various Hamiltons and others who had committed assaults and similar crimes—the penalty in one case amounting to 3000 merks for Alexander Hamilton of Innerwick, and 1000 merks for Hew Hamilton, his brother, who were taken bound not to harm David Dundas of Priestinch.

Thomas Hamilton is usually said to have been knighted about the year 1597, but no evidence has been found on record of his receiving that honour. In that year, probably owing to the second marriage of his son, the lord advocate, a new arrangement was entered into affecting the lands of Priestfield. As formerly stated, these lands were held of a subject-superior. In 1519, when Priestfield was first acquired by Mr. Thomas Hamilton of Orchardfield, Walter Chapman, the king's printer, was the superior, who held them of the Crown for a pair of gloves, to be delivered on St. Giles' day. Walter Chapman was, in 1532, succeeded by his nephew, Mr. John Chapman, who was infeft in the lands, reserving to Agnes Cockburn, widow of Walter, her conjunct-fee and liferent. Mr. John Chapman died before July 1557, and was succeeded by his sister and heiress, Margaret Chapman, who, some years later, sold the lands to her son, John Newlands, and to Marion Chapman, his wife, who were duly infeft, and thus became superiors of the estate.[1] They were succeeded in the superiority by their son, Robert Newlands, with whom, in 1597, the Hamiltons entered into negotiations for acquiring his rights.

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[1] Register of the Privy Council, vol. ii. p. 244.

[2] Registrum Magni Sigilli, vol. v. No. 874.

[3] Register of the Privy Council, vol. iii. pp. 179, 185.

[4] Acts of the Parliaments of Scotland, vol. iii. p. 383 *et seq.*

[5] Register of the Privy Council, vol. iv. p. 541; vol. v. pp. 23, 618.

On 31st March of that year, Robert Newlands, son of the late John Newlands, burgess of Edinburgh, and superior of Priestfield, granted a charter of the lands to Thomas Hamilton in liferent, and to his son, Mr. Thomas Hamilton of Drumcairn, king's advocate, in fee, to be held blench of the granter.[2] In doing so, the superior only fulfilled an obligation made in 1523 by his predecessor, Walter Chapman, the uncle of his grandmother, who had promised to grant to Mr. Thomas Hamilton of Orchardfield, grandfather of Thomas Hamilton of Priestfield, a charter of the lands, to be held in blenchfarm, which promise was never performed. A few days after this it was arranged between the Hamiltons and Newlands that the latter, for 200 merks Scots, should resign Priestfield in the king's hands for a regrant in favour of the former. This was done, and a Crown charter followed, granting the lands to the elder Hamilton in liferent, and his son in fee, to be held directly from the Crown.[3]

Out of this transaction arose another, in which Thomas Hamilton of Priestfield was indirectly interested. In May 1595, Elizabeth Murray, his second wife, had, with his consent, accepted from her stepson, Mr. Thomas Hamilton, advocate, a liferent right over the lands of Priestfield, in lieu of her conjunct-fee rights over the lands of Balnabein and Drumcairn in Perthshire. After acquiring full property in Priestfield, Mr. Thomas Hamilton, in May 1597, granted charters thereof to Elizabeth Murray, who, in turn, resigned the lands of Balnabein and Drumcairn, in which her stepson was infeft, with his newly married wife, Margaret Foulis.[4]

Thomas Hamilton of Priestfield is also named a year or two later in the title-deeds of a property acquired by his son, the lord advocate. The lands in question adjoined Priestfield, and are described as the common "myre," or marsh of the burgh of Edinburgh, bordering on the loch of Duddingston, and extended originally to fifty-two acres. They are first referred to in a letter addressed by King James the Fifth to the provost, bailies, and town council of Edinburgh, in favour of his "dailie and familiar servitour, George Steell," who wished to feu the lands from the burgh. The king reminded the town that they had already feued to others parts of their common, or burgh-moor. Further, he says, the abbey of Kelso, to whom the lands of Duddingston belonged, had claimed rights over this common myre, and had litigated the question of ownership, while their tenants had kept and defended their use and possession of the myre from a date past the memory of man; that as the oversight of the abbey lands was now in his own hands, it was his part to defend the same.[1] Nevertheless he was content to omit such possession in favour of his servitor, and to agree to the town giving a feu of the lands. He therefore urges that the Council be convened, and the matter settled. So earnest was the king on behalf of his servitor, that to the letter now cited he added a postscript with his own hand, addressed to the provost, then Robert, fifth Lord Maxwell, thus: "Prowest I pry yow help hym, and I sall help agan."[2]

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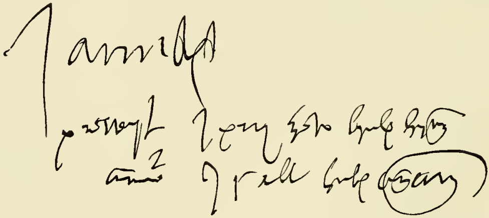
[1] Original writs in Prestonfield Charter-chest. The charter of sale granted by Margaret Chapman to her son is dated 21st April 1565, in terms of a contract, dated 24th July 1557, between her (her husband is not named, and was probably dead) and her son, John Newlands, on one part, and Agnes Simson, relict, Hugh Chapman, son and heir, and Marion Chapman, daughter, of the late William Chapman, writer, on the other part. This charter to John Newlands and Marion Chapman, his wife, was confirmed by Henry (Darnley) and Mary, King and Queen of Scots, on 31st March 1566. Agnes Cockburn, relict of Walter Chapman, was still alive in April 1565, but probably died before the date of the Crown charter, as her liferent is not reserved.

[2] Original charter, *ibid.*

[3] Original writs, *ibid.* The contract with Newlands is dated 11th April 1597; the Crown charter following on resignation, 14th April 1597; and the sasine thereon, 20th April 1597.

[4] Original writs, *ibid.*; charters by Mr. Thomas Hamilton, 28th May 1597; sasine to him and Margaret Foulis of Balnabein and Drumcairn, 12th August 1597.



Jamis R

prowest I pry yow help hym

and I sall help agan

This appeal resulted in two charters being granted, in which it was stated, that whereas the town's lands near the loch of Duddingston, or rather their marsh, commonly called the "common myre," had been of little value to them in time past, but had been pastured by strangers and inhabitants of the adjoining lands, therefore the community feued the same, extending to fifty-two acres, to George Steel and Christian Wilson, his wife, for a feu-duty of £13 Scots yearly.[3] This was confirmed by the king in 1540.[4]

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[1] This statement fixes more accurately the date at which the king's natural son, James Stewart, was made commendator of Kelso.

[2] Letter, dated at Falkland, 11th July 1536, printed in vol. ii. of this work, p. 201.

[3] Original charters, 28th August 1536, with relative sasines, in Prestonfield Charter-chest.

[4] 24th July 1540, *ibid.*

The later history of the lands is as follows:—George Steel, who was also laird of Houstoun, in the county of Linlithgow, died in 1541, and a few years later his son, John Steel of Houstoun, sold the Common Myre, which had from time to time been parcelled into smaller lots, to John Fawside, burgess of Edinburgh, and Margaret Tod, his wife. They had a son, Alexander Fawside, and two daughters, the elder of whom, Barbara, married Simon Marjoribanks, a burgess of Edinburgh, while the younger was the wife of Mr. Clement Little, advocate. In 1566, Alexander Fawside was dead, and his sisters, as his heirs, divided the lands of Common Myre between them. Mr. Clement Little died in 1580, without issue, and his heir in the half of Common Myre was his brother, William Little, who, by a family arrangement in 1583, renounced it, with other lands, in favour of Elizabeth Fawside, Mr. Clement's widow, who had married another advocate, Mr. John Preston, afterwards of Penicuik, and president of the College of Justice. This half of the lands was, about 1618, acquired by Mr. Thomas Hamilton, then Lord Binning. In 1599, however, he acquired the other half from William Marjoribanks, son and heir of Simon Marjoribanks and Barbara Fawside. The grant to the lord advocate was in favour of himself and the heirs of his body, with reversion to his father, Thomas Hamilton of Priestfield, and they were infeft in the half lands of Common Myre in December 1599.[1]

In 1603, after the removal of the Court to England, when it was found necessary to grant a new commission for managing the queen's property in Scotland, Hamilton of Priestfield was one of those appointed.[2] As this is the first recorded instance of his employment in public service, it was probably due to the influence of his son, the lord advocate. To the same influence may be ascribed the elevation of Hamilton to the bench as a lord of Session in 1607. The king's letter of presentation in his favour was dated 20th May 1607, being the first issued since the publication, in 1605, of the new regulations regarding admissions of the lords of Session. He was to fill the place of the recently deceased David Macgill, Lord Cranston-Riddell, the second lord of Session of that name.

In terms of the king's letter, and of the regulations referred to, the lords of Session ordained trial to be made of Hamilton's qualifications, and appointed a legal theme on which the next day he should discourse in Latin, and thereafter be ready to hear causes and give his opinion. This order was, the next day, observed in due form and having sworn an oath that he had not given silver or gold for his place, and that he would do justice to the lieges, he was duly admitted, on 29th May 1607, under the title of Lord Priestfield.[3] On his elevation to the bench, Lord Advocate Hamilton, his son, wrote to King James thanking the king for the honour conferred, which, he says, gave Priestfield "occasion to bestow, in your Maiesties seruice, the rest of that lyfe, whilk according to his maist bundin dewtie, has euer bene dedicated by him to that end." He accepts the promotion as a reward on the king's part for the "yeiris, guddis, and bloude faithfullie spent" by his father in the service of the king's mother, which probably refers to the fact that the Hamiltons were generally of Queen Mary's party, and concludes with the usual profuse acknowledgments of service.[1] Lord Priestfield did not, however, hold office long, as a year later he demitted, and his second son, Sir Andrew Hamilton of Redhouse, succeeded in his stead.

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[1] Original writs, 1546-1599, in Prestonfield Charter-chest.

[2] Register of the Privy Council, vol. vi. p. 557.

[3] Books of Sederunt, vol. iv. fol. 367.

Previous to his demission, however, Hamilton had, by special mandate from the king, been appointed a member of the Privy Council, and took the oaths and his seat on 12th January 1608.[2] His attendance at the Council board was comparatively regular; but there is only one reference to him of any special importance, his nomination as one of eight commissioners who were appointed to make arrangements for imposing a tax ordained by Parliament for printing Sir John Skene of Curriehill's edition of "Regiam Majestatem." The details of their labours are not known, but the work was printed and published a year later, not without a dispute with the printer as to delivery of the completed edition. Hamilton's career as a privy councillor terminated in January 1610, when, by a special order from King James, the Council was reconstructed, the number of members being limited to thirty-five, of whom Hamilton was not one.

He appears to have died within a year or two after this date, one of his latest recorded acts being the assignation in favour of his eldest son of a debt due to his grandfather, Mr. Thomas Hamilton of Orchardfield, by the famous Sir James Hamilton of Finnart, and which was now enforced against James Hamilton of Evandale, etc., grandson of the original debtor.[4] Thomas Hamilton was probably dead before 1612, when his son received various charters from the Crown, in which he is not referred to.

Thomas Hamilton, third of Priestfield, Lord Priestfield, was twice married, his first wife being, as already stated, Elizabeth Heriot, daughter of James Heriot of Trabroun. She was the mother of his eldest son, the famous lawyer and statesman, and also apparently, of one daughter. It has not been ascertained when Elizabeth Heriot died, but it does not appear that she survived very long. He married, secondly, Elizabeth Murray, daughter of Sir Andrew Murray of Blackbarony, and widow of James Borthwick of Newbyres, by whom he had issue four sons and two daughters.

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[1] The Melros Papers, Abbotsford Club, vol. i. p. 26.

[2] Register of the Privy Council, vol. viii. pp. 33, 487.

[3] Register of the Privy Council, vol. viii. pp. 56, 358.

[4] Paper in Prestonfield Charter-chest.

The sons of Thomas Hamilton, Lord Priestfield, were :—

1. Thomas Hamilton, afterwards first Earl of Haddington, of whom a memoir follows.
2. Sir Andrew Hamilton of Redhouse, in the county of Haddington. On his father's resignation he was appointed a lord of session on 30th June 1608, and took the title of Lord Redhouse. He was also, in the following year, made a privy councillor, but was not a member of the reconstructed Council in 1610.[1] He married Jean, daughter and sole heiress of John Laing, keeper of the signet, and with her got the lands of Easter and Wester Spittal, called Reid-Spittal, and the manor place of Redhouse, in the county of Haddington, to which, at a later date, was added the Mains of Ballincrieff, in the same neighbourhood. These lands belonged to the College Kirk of Dunglas, and were, with the adjoining lands of Coates, disjoined in Sir Andrew Hamilton's favour in 1621.[2]

   Sir Andrew Hamilton died in 1634. By his wife, who died between 1612 and 1617, he had issue three sons and a daughter, Elizabeth. The sons were, Sir John, who succeeded his father, Andrew, and Mr. Patrick. Mr. Patrick died without issue, and his brother Andrew became his heir.[3] Andrew survived his elder brother also, and was for a time styled tutor of Redhouse, as guardian to his nephew, Thomas, but nothing further is known of him. Elizabeth Hamilton married James Rig of Carberry.

   Sir John Hamilton succeeded his father in 1634, both in the estate of Redhouse and also in the half lands of Strabrock, called Strabrock-Oliphant, in the county of Linlithgow.[4] He served with distinction in the Scottish army which was levied for the service of Sweden, but met his death at Dunglas in 1640. He married Helen Richardson, daughter of Sir Robert Richardson of Pencaitland, by whom he had a son, Thomas, who was served heir to him in 1662. Thomas appears to have entered the army. He had, with other children, a son, James, who was the father of George Hamilton. The latter was served heir to his grandfather, Captain Thomas, and his father, Captain James Hamilton, on 27th March 1718. Unhappily, he joined the army of Prince Charles Edward in 1745, and held a colonel's commission. He was taken prisoner and executed, and his property was forfeited. He was apparently the last of the family of Redhouse.

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[1] Register of the Privy Council, vol. viii. pp. 356, 594, 815.

[2] Acts of the Parliaments of Scotland, vol. iv. pp. 569, 663.

[3] Inquisitiones Generales, 3d March 1637.

[4] Retours for Linlithgow, No. 128 ; for Haddington, No. 153.

3. Sir John Hamilton of Magdalens in the county of Linlithgow. He was also appointed a senator of the College of Justice on 27th July 1622, but was temporarily superseded in 1626. He held the office of Lord Clerk Register, and was a member of the Privy Council, in which capacity he attended the funeral of King James the Sixth in May 1625.[1] He died at Holyroodhouse on 28th November 1632, and was buried in the abbey there. He is said to have left daughters, but their history has not been traced.

4. Sir Patrick Hamilton of Little Preston. He appears to have entered the legal profession, and during the early parts of his career is described as Mr. Patrick Hamilton. He was for a time under-secretary of State to his eldest brother, while Lord Binning, and resided chiefly in London. He received a yearly salary or pension of 1000 merks Scots from his brother during his attendance at Court.[2] He became proprietor of the lands of Little Preston, apparently by purchase, before 1633, and in that year, on 22d June, he was knighted by King Charles the First at Holyrood.[3] In 1643 he had a charter of the lands of Little Preston, with various lands in King's Cramond, including Ewerland, Cramond-mill, and others named, all erected in his favour into the barony of Little Preston, which was ratified by Parliament in 1647.[4] He was a member of the Committee of Estates, and took a share in their proceedings up to 1648. He appears to have lived to 1661, but died before February 1662. His wife was Elizabeth, daughter of Ninian Macmorran, merchant-burgess of Edinburgh, to whom he was contracted on 18th March 1613. They had issue one son, and three daughters. The eldest daughter, Anna, married James Hamilton of Westport, and had issue. The second daughter, Margaret, married Sir Gideon Scott of Highchester, a brother of Walter Scott of Harden, and became the ancestress of the present Lord Polwarth through her son, Walter Scott, Earl of Tarras. The third daughter married Sir James Murray of Skirling, and had issue, a son James, who married Anna, daughter of Sir Alexander Hamilton, General of Artillery.[5]

Patrick Hamilton of Little Preston, the son, succeeded his father, and was retoured heir to him, on 20th February 1662, in the barony of Little Preston; also in the lands of Fala and others, all in the county of Edinburgh, with lands in the county of Roxburgh. Some years later, in 1678, he entered to his father's lands of Braid, Blackford, and others near Edinburgh.[1] He married the Hon. Elizabeth Macgill, daughter of James, first Viscount of Oxfurd, by whom he had issue, two sons—first, James, who is described in 1698[2] as eldest son, but apparently predeceased his father, secondly, Colonel Thomas Hamilton—and a daughter.

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[1] Melros Papers, vol. ii. p. 590.

[2] Original discharges in Haddington Charter-chest.

[3] Balfour's Annals of Scotland, vol. iv. p. 365.

[4] Acts of the Parliaments of Scotland, vol. v. p. 149; vol. vi. part I. p. 850.

[5] Cf. vol. ii. of this work, pp. 113, 114.

Colonel Thomas Hamilton succeeded his father about 1705, and died in 1709. He married Elizabeth Stewart, who is described as a lady of the family of Grandtully, and had issue a son and daughter. The daughter, Elizabeth, married Malcolm Gibson, a cadet of the family of Durie.

The son, Thomas Hamilton, succeeded his father, about 1709, in the lands of Fala and others. In 1758 he succeeded as heir of entail to his great-grandfather, the first Viscount of Oxfurd, in the latter's estates, on the death of his cousin, the Hon. Henrietta Macgill or Hamilton, who died in that year. He then assumed the name of Macgill in addition to his own. He died on 18th October 1779, leaving, by his wife Elizabeth, daughter of Sir John Dalrymple of Cousland, baronet, one daughter and heiress, Elizabeth Hamilton Macgill. She married her cousin, Sir John Dalrymple, baronet, and had issue; her eldest surviving son, John Hamilton Dalrymple, succeeded his cousin as the eighth Earl of Stair. The family of Hamilton of Little Preston is therefore now represented by the present Earl of Stair.

5. Colonel Alexander Hamilton. The first notice of him, so far as appears, is an entry in one of his eldest brother's accounts, in which a sum of £14 sterling was paid, in September 1615, to "William Dick," probably the prominent merchant of that name, for delivery to "Mr. Alexander," in Paris.[3] He was probably there for the purposes of study. In March 1620 he was in London with his brother Patrick.[4] He entered the army, and in 1624 is styled "serjeant-major," when he received an appointment from King James the Sixth as captain of 250 men, who were levied in London for service under Count Mansfeldt in defence of the Palatinate.[5]

When we next hear of Alexander Hamilton, he was acting as agent for James, Marquis of Hamilton, who had despatched him to Sweden by order of King Charles the First, with offers of service to Gustavus Adolphus, and the promise of joining the latter's expedition to Germany. This proposal was warmly received by the King of Sweden, who bestowed a general's commission on the marquis. Besides this, Sir James Spens, Lord of Orholme in Sweden, acting as general of the British contingent in that country, made in April 1629 a special agreement with Alexander Hamilton, by which the latter received a colonel's commission to command 1200 men, and a sum of £1696 sterling for levying a regiment. The colonel, however, in consideration of the short time available for recruiting, and the difficulty of procuring men in Scotland, was to bring thence only 960 men, the date appointed for their landing in Prussia being midsummer 1629.[1]

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[1] Retours for Edinburgh, Nos. 1096, 1246; for Roxburgh, No. 234.

[2] Registrum Magni Sigilli, Lib. lxxv. No. 33.

[3] Original account in Haddington Charter-chest.

[4] He appears as a witness to a reversion by his brother, Mr. Patrick, affecting the lands of Drygrange, dated at St. Theobald's, 30th March 1620, and is described as Mr. Alexander Hamilton.

[5] Vol. ii. of this work, p. 91, 30th November 1624.

The fate of the expedition under the Marquis of Hamilton is well known. He set sail in July 1631, and, after some delays, landed at the mouth of the Oder in the first week of August. He was, however, beset by difficulties from the first; famine and disease decimated his troops, and though he achieved a few successes, these were not sufficient to redeem the enterprise from failure. Colonel Hamilton served under the marquis while the latter was in command, and was with him at the siege of Magdeburg. In March 1632 the marquis virtually resigned his position as general, and his forces, reduced as they were, were divided into two regiments, the English portion being placed under the command of Colonel Bellenden, afterwards Lord Bellenden, while the Scottish soldiers were put under Colonel Hamilton, both regiments being incorporated in the army under William, Duke of Saxe-Weimar. The commission to Colonel Hamilton by the famous Oxenstierna, chancellor of Sweden, authorised him to increase his regiment to twelve companies, with full powers to enable him to do so.[2]

After the Marquis of Hamilton left Germany, and after the death of Gustavus Adolphus, in November 1632, Colonel Hamilton remained under the orders of the Duke, who was lieutenant-general of the Swedish army, and received instructions from him when necessary. The chief difficulty appears to have been as to the arrears of pay, which remained due to Hamilton's regiment for more than two years. He pressed the Swedish chancellor and others on the point, and apparently the matter was settled in his favour at the expense of the town of Halberstadt, which was responsible for the arrears. It was while thus in the Swedish service that Colonel Hamilton acquired that knowledge of artillery which afterwards proved useful at an important period of his country's history. The regiment under his command comprehended an artillery company, and at one period of his service Colonel Hamilton had to deal with the manufacture of small ordnance.[1]

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[1] Contract, 21st April 1629, vol. ii. of this work, p. 92.

[2] Commission, 29th March 1632, vol. ii. of this work, pp. 102, 103.

He returned to Britain in 1634 or 1635, probably the latter year, for though he left the Swedish service in August 1634, with many expressions of goodwill from his chiefs, he was apparently detained in Germany by a temporary appointment as commander of the important fortress of Hanaw in Westphalia, of which Sir James Ramsay was then governor.[2] He was, however, in London in August 1635, where he received a letter from his old commander the Duke of Saxe-Weimar.[3]

According to a statement by himself made some years later, Colonel Hamilton's return was due to his being recalled by King Charles the First, who bestowed on him for his services as an artillery officer, to which he claimed to have devoted his whole study, a pension or salary of £800 a year. This income, however, he did not long enjoy, as, owing to the troubles of the times, payment was interrupted about the year 1637.[4] In 1638 he was in Scotland, and there he took the side of the Covenanters in their opposition to the Church policy of King Charles. Baillie refers to him as openly giving countenance and allowance to the meetings of the nobility. At one point he came into collision with the head of his house, James, Marquis of Hamilton, then the king's commissioner for Scotland, who accused the colonel of spreading false reports about his attitude towards the Covenant, but this charge was successfully denied.[5]

In September 1638, King Charles requested the colonel to come to London, but the matter was not pressed, for, as the Marquis of Hamilton wrote to the king, it was immediately rumoured that he was sent for to make artillery to be used against the Covenanters, and he would never go to London on such terms, if he thought he were to be so employed. The marquis adds, "terrabill zealous he is," but expresses his belief in the colonel's honesty and loyalty, as Hamilton had often declared that no invention of his should ever be used to the king's disadvantage, though the marquis is afraid that, "if a breach should cum," the colonel "might dou mischife."[1]

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[1] Letters and orders relating to Colonel Hamilton's service in Germany, 1632-1634, vol. ii. of this work, pp. 103-108.

[2] Passports, July and August 1634; Letter from Sir James Ramsay, 8th November 1634; *ibid.* pp. 109-111.

[3] Vol. ii. of this work, pp. 111, 112.

[4] Petition by Colonel Hamilton, 1641. Acts of the Parliaments of Scotland, vol. v. pp. 382, 699.

[5] Hamilton Papers, Camden Society, 1880, p. 23, note; Baillie's Letters, etc., vol. i. p. 98.

This prognostication was so far fulfilled in the following year, when Colonel Hamilton took a prominent part in the warlike preparations in Scotland. He was appointed to the office of general of artillery, and at once took charge of the manufacture and supply of ordnance and ammunition. He accompanied his old comrade, General Alexander Leslie, when the latter, on 21st March 1639, demanded possession of Edinburgh Castle, and, when the demand was refused, probably took part in the composition and application of the petard which blew open the gate and compelled surrender.[2] Under his direction, too, the castle was repaired and strengthened, while Leith was strongly fortified in the then most approved manner. He did not follow the lines of the old French fortifications of 1560, which were still discernible, but worked upon a new plan according to the situation of the ground. So zealous were the Covenanters that the first baskets of earth were carried by the noblemen, their chief leaders, whose example was speedily followed by all ranks, and the works, though they consisted of a considerable number of high bastions, were rapidly finished.[3]

Besides his skill in fortification, Colonel Hamilton also placed at the command of the Covenanters his knowledge of artillery. Thus we are told that when in March and April 1639, the Earl of Montrose marched northward on an expedition against the Marquis of Huntly, his force bore along with them light field-pieces, of three feet long or so, which were made under Hamilton's direction. They are described as being "made of tin for the bore, with a coating of leather, all secured by tight cordage." Having a ribbed and hooped appearance, they were familiarly styled "stoups," and were known as "Dear Sandie's stoups," in reference to the sobriquet borne by their inventor, Colonel Hamilton, who is said to have cast or made them in the Potterrow, Edinburgh. These or similar light ordnance were for some time afterwards in frequent use by the Scottish army.[4]

When the Marquis of Hamilton, acting under orders from King Charles, lay with an English fleet in the Firth of Forth during May 1639, Colonel Hamilton, with others, desired, as Baillie says, to be "at the trying of their fyreworks on the King's shipps," but this was overruled, as the Presbyterian leaders were anxious, if possible, to preserve a peace betwixt the kingdoms.[1] In the following year, however, the Scots, as is well known, determined to raise an army and march into England. The Committee of Estates, in June 1640, formally ratified the commissions which had been granted to General Leslie, Colonel Hamilton, and others, and prepared for war.[2] One of their first acts of hostility was the siege of Edinburgh Castle, then held by Patrick Ruthven, Lord Forth, for the king. The citizens raised ramparts of earth to defend themselves from the great guns of the castle. The investment of the fortress itself was effected by the formation of several batteries at various points—the Greyfriars churchyard, the West Church or Port, and the "Hardgate," now Princes Street, being the principal places of erection[3]—and these were all made under the direction and according to the plans of Colonel Hamilton, who, about this time, is called by his contemporaries Sir Alexander Hamilton, though when he actually received the rank of knighthood is uncertain.

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[1] Hamilton Papers, Camden Society, 1880, p. 35.

[2] Balfour's Anuals, vol. ii. p. 321; Baillie's Letters, vol. i. p. 195.

[3] Gordon's History of Scots Affairs, Spalding Club, vol. ii. p. 208.

[4] Gordon's Scots Affairs, vol. ii. p. 228; Burton's History of Scotland, vol. vi. p. 302; Napier's Memoirs of Montrose, vol. i. p. 152, note; Spalding's Memorialls of the Trubles, vol. i. p. 130.

The castle, however, though invested in June and July 1640, did not surrender till the 15th September, and then less from the effect of the batteries than from scarcity of provisions and water.[4] Meanwhile, Sir Alexander Hamilton was taking an active share in military operations elsewhere. He was one of the principal leaders of the Scottish army which crossed the Tweed on 21st August 1640, and a few days afterwards his artillery contributed largely to the defeat of the English force who opposed the passage of the Tyne at Newburn. He was one of the officers who reported this and other successes to the Committee of Estates, while, at the same time, they addressed a loyal appeal to William Hamilton, Earl of Lanark, lately made Scottish secretary, to be presented to the king.[5] This and other petitions forwarded at the same time resulted in a meeting of English and Scottish Commissioners at Ripon, and afterwards in London.

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[1] Baillie's Letters, etc., vol. i. p. 203.

[2] Acts of the Parliaments of Scotland, vol. v. pp. 285, 286. So early as December 1639, King Charles wrote to the Earl of Traquair, High Treasurer for Scotland, that he had been informed that an officer of artillery under Colonel Hamilton had been seen in disguise at Berwick, examining the fortifications there, from which the king infers a design to surprise Berwick and invade England. He requests that inquiry should be made, and the officer arrested. [Historical MSS. Commission, 9th Report, App. p. 250.]

[3] Gordon's History of Scots Affairs, vol. iii. p. 128; Balfour's Annals, vol. ii. pp. 379, 380.

[4] Balfour's Annals, vol. ii. p. 402.

[5] *Ibid.* pp. 391, 393.

The year 1641 was memorable in respect of two incidents—first, the visit of King Charles to Scotland, and second, the outbreak of the Irish Rebellion.[1] On the news of the latter being communicated to the Scottish Parliament, they offered to send over General Sir Alexander Leslie with 10,000 men, to suppress the rising. After much delay Leslie, now Earl of Leven, did land in Ireland with a considerable force, and it would appear that Sir Alexander Hamilton also served in the expedition.[2] He and Leslie, however, if they had not left Ireland sooner, were recalled by the Committee of Estates to take part in the war between the king and the Parliament of England. Baillie states, in 1643, that "Generall Leslie is chosen, and Dear Sandie hath accepted the general of artillerie's place."[3] His services in that capacity, however, cannot be particularised. He lent in 1642 and 1644 a considerable sum to the Committee of Estates—first £33,144 Scots, and when this was repaid, a further sum of 50,000 merks, which was still owing to him in 1647.[4] In that year, on the disbanding of the main body of the army, Hamilton was appointed colonel of a regiment of foot, which, however, was shortly afterward reduced to a single company.[5]

In May 1648, when it was proposed to send a force to England in aid of King Charles, in terms of the "Engagement," Colonel Hamilton received from Parliament a renewal of his commission as general of artillery, and it would appear he held a post in the expedition which, under the command of James, Duke of Hamilton, sustained defeat at Preston in August 1648. This expedition had been promoted by a small majority in the Scottish Parliament, but it was opposed by the Marquis of Argyll, and his party, being supported by the Church, shortly afterwards regained the ascendancy. They then, in January 1649, passed the Act of Classes, as it was called, which excluded from office all who had in any way taken part for the "Engagement." Under this Act, Sir Alexander Hamilton was accused of being a member of the Committee of Estates who sanctioned the expedition, of concurring in the invasion of England, and assisting it with his artillery, for which he was deposed from his military office, and declared incapable of filling any other post of trust.[1] At a later date the Committee ordered payment to him of the sums of money due him by the authorities.[2] Sir Alexander Hamilton, however, did not long survive his deposition. He had become possessed, under a mortgage from his nephew, Sir James Hamilton of Priestfield, dated in 1647, of the barony of Priestfield, with adjoining lands, and at his residence there he expired on 26th November 1649. Sir James Balfour, who chronicles the fact, describes him as "a man of a rare spirit, and a werey valiant souldiour."

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[1] During the Parliament of 1641, over which the king presided in person, Hamilton petitioned for the payment of his pension of £800, which had been unpaid for four years, and this grant, and his commission as general of artillery, etc., were duly ratified, while he also received thanks for his previous services. [Acts of the Parliaments of Scotland, vol. v. pp. 382, 430, 519, 699.]

[2] No proof of his actual service has been found, but in 1644 he was placed on the committee for Irish affairs, and he directed the transport of the artillery used in the expedition. [Acts of the Parliaments of Scotland, vol. vi. part I. pp. 222, 821.]

[3] Baillie's Letters, vol. ii. p. 100.

[4] Acts of the Parliaments of Scotland, vol. v. part I. pp. 65, 705.

[5] *Ibid.* pp. 673, 685.

According to the same authority, Sir Alexander Hamilton was three times married. His first wife was the eldest daughter of Thomas Dalyell of Binns, father of the Royalist general. The name of his second wife was Cochrane, but Balfour does not record of what family she was; while the third was third daughter of Sir David Crichton of Lugton, in Fifeshire.[3]

Sir Alexander Hamilton had issue, one son and one daughter. The son was named Alexander Hamilton, and was retoured heir to his father soon after the latter's death. But he did not long survive, dying in 1656, and his sister, Anna Hamilton, was served his heir on 18th August 1657.[4] According to a contemporary narrative, Anna Hamilton was married surreptitiously, without the consent or knowledge of her guardians, to James Murray, eldest son of Sir James Murray of Skirling.[5] Her lands of Priestfield thus passed into the hands of the Murrays, but they were so burdened with debt that they were sold, first to Sir Robert Murray of Cameron, and finally, in 1677, to James Dick, merchant burgess of Edinburgh, afterwards Sir James Dick, who added to the lands, and changed their name to Prestonfield.[6] They are still possessed by his descendants.

Thomas Hamilton, Lord Priestfield, had also three daughters :

1. Christian, who married, as his second wife, contract dated 12th and 13th April 1592, Sir Alexander Hamilton of Innerwick.[7] They had issue.
2. Elizabeth, who married Sir William Scott of Ardross, clerk of Chancery. Issue.
3. Margaret, who married William Kirkcaldy of Grange, nephew and heir of the famous Sir William Kirkcaldy of Grange, and had issue.

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[1] Acts of the Parliaments of Scotland, vol. vi. part II. pp. 459, 474, 477. Colonel James Wemyss was appointed general of artillery in Hamilton's place.

[2] *Ibid.* pp. 524, 525.

[3] Balfour's Annals, vol. iii. p. 434.

[4] Retours for Edinburgh, No. 1068.

[5] Vol. ii. of this work, pp. 113, 114.

[6] Original writs in Prestonfield Charter-chest.

[7] Registrum Magni Sigilli, vol. v. No. 2336.

X.—SIR THOMAS HAMILTON, FIRST EARL OF HADDINGTON.

Chapter First.

HIS BIRTH, EDUCATION, AND ADMISSION AS ADVOCATE.

1563—1587.

From the preceding introductory chapter on his ancestors it appears that the first Earl of Haddington was descended from the noble and illustrious house of Hamilton through the Hamiltons of Innerwick and Priestfield, the oldest cadets of that great house.

Thomas Hamilton was born in the year 1563. He was the eldest son and heir of Thomas Hamilton, third of Priestfield. His mother was Elizabeth, daughter of James Heriot of Trabroun.[1] Possessed of great talent and learning, and gifted with a fitness for public life, he successively became an eminent lawyer, a celebrated judge, and a distinguished statesman. The long period of years over which his career extended is one of great historic interest, representing a prolonged struggle between the Court and the Church. Throughout that period, which embraced the reign of King James the Sixth and part of the reign of King Charles the First, Sir Thomas Hamilton enjoyed royal favour, held successively most of the highest offices of State, and had high honours and dignities conferred upon him.

Young Hamilton received his education at the High School of Edinburgh. This celebrated seminary was then in an unsatisfactory condition. William Robertson, the head master, was a very unsuccessful teacher. Of him Dr. M'Crie, the biographer of Andrew Melville, writes, that the Town Council wished to remove him, that the seminary might be placed on a footing more worthy of the metropolis. But they were unable to accomplish this, as Robertson was supported by the queen, and held his office for life.[2] Of the progress which young Hamilton made at school no record has been discovered. Any deficiency on the part of his instructor must have been more than compensated by his own personal application, or subsequent training, or by both.

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[1] Agnes Heriot, the mother of George Buchanan, the historian and poet, and George Heriot, jeweller to King James the Sixth, and founder of Heriot's Hospital, Edinburgh, were of the same family.

[2] M'Crie's Life of Andrew Melville, edition 1856, pp. 362, 382, 458, 473-475. Robertson was ultimately induced to retire on a pension, and the school, under the rectorship of Rollock, was placed on a better footing.

Having chosen to follow the legal profession, Hamilton, in 1581, at the age of eighteen, proceeded to France, and there prosecuted his university and legal studies. The University of Paris, with its many colleges, was at that time justly famous. For centuries previous to the time of which we write, it had, more than any other, continued to attract the youth of every country.[1]

In resorting to France to study law, Thomas Hamilton followed the then invariable custom of Scottish lawyers. The presence in Paris at this time of his uncle, John Hamilton, the secular priest already referred to, as professor of philosophy, and the fact that his father had studied there, as well as the high reputation of the University, would no doubt be incentives to young Hamilton. But there was no stated class for civil law in the University of Paris. Not only so, but that science was prohibited by the pope to be taught there, canon law alone being recognised. Occasional lectures on civil law were delivered in the University by distinguished lawyers, either under the special sanction of Parliament, or when a dispensation could be obtained from the University for the purpose. During the time when Thomas Hamilton was in Paris, it does not appear that even occasional lectures on civil law were allowed, as by the "*ordonnance*" of Blois, dated 1579, the teaching of this important branch of learning was again prohibited.[2] In these circumstances, while he would receive a liberal education in classics and philosophy in the Paris University, it is not improbable that he spent some time at another of the colleges or universities on the Continent. Of this, however, no proof has been obtained.

That Hamilton made good proficiency in the study of law, as well as in other departments of education, his subsequent career abundantly testifies. One advantage which he enjoyed, and which would materially help to promote his scholarship, was the superintendence over his studies exercised by his near relative, Mr. John Hamilton, the learned secular priest, though his connection with his uncle in the circumstances which we have stated was not altogether free from disadvantage to him. The uncle was a zealous servant of the Church of Rome. What religious training his nephew had received previous to his arrival in France, there is no evidence to show. His former teacher, William Robertson, the rector of the High School, was accused of being a Roman Catholic. Dr. M'Crie says that he had become obnoxious to the community by his repeated attempts to corrupt the boys with his religious tenets.[3] It will thus be evident that Thomas Hamilton was not likely to be drawn to or confirmed in the Protestant religion either by his schoolmaster or his uncle. In his after-life, as will be seen in a later portion of this memoir, he was commonly reputed to be an adherent of Roman Catholicism, and such tendencies were credited to the training he received in Paris from John Hamilton.[1]

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[1] An eminent scholar, Joseph Scaliger, states that there were 30,000 students at this University when he attended it. This would be about 1560. [M'Crie's Life of Melville, p. 9.]

[2] *Ibid.* pp. 13, 407, 408.

[3] *Ibid.* edit. 1856, p. 495, note.

In 1587, after a curriculum of six years' study in France, young Hamilton returned to Scotland.[2] Having now completed his education, he prepared himself for a speedy call to the bar. He could not, at least for any length of time, have conformed to the custom then prevalent of attending the different courts of law, and acquainting himself with their forms and procedure—a custom, in the language of the times, designated "haunting the formes and courtis."[3] In his petition to the court of session to be admitted an advocate, he says, "that since his hame-coming, he had attended and been ane expectant before the Lordes, wherethrow according to the order used before their Lordships, he merits the office of ane advocate."[4] He passed advocate on 1st November 1587, when twenty-four years of age.

Chapter Second.

APPOINTED LORD OF SESSION—ON THE COMMISSION FOR MANAGING THE QUEEN'S AFFAIRS—OTHER APPOINTMENTS.

1587—1594.

There is little information preserved regarding Thomas Hamilton for a few years after the date of his admission to practice at the bar. During this time, however, he appears to have shown conspicuous ability, and to have risen to notice and distinction in his profession. In June 1592, among several Acts of great importance passed by the Parliament then meeting in Edinburgh, is one, entitled "for visitting and caussing of the lawes and actis of Parliament to be prentit." By the provisions of the Act those named in it are to review both the present and past Acts of Parliament, and other laws "quhairof thair is registeris or autentik monumentis extant," and to provide for a more general knowledge of such laws, by printing the most important. The Act appoints Thomas Hamilton, whom it designates "Maister Thomas Hammiltoun, apperand of Preistisfeld," with other six lawyers who were of high reputation, to assist Lord Chancellor Thirlestane to carry out this important purpose.[6] In his interesting memoir of

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[1] Calderwood's History, vol. v. p. 549.

[2] The time which Scottish law students usually devoted to their studies in France was from three to eight years [Life of Sir Thomas Craig, by Patrick Fraser Tytler, p. 20]. It is to be remembered that Thomas Hamilton had his university as well as his legal studies to pursue.

[3] Life of Sir Thomas Craig, by Patrick Fraser Tytler, p. 21.

[4] Vol. ii. of this work.

[5] Senators of the College of Justice, p. 221.

[6] Acts of the Parliaments of Scotland, vol. iii. p. 564.

Lord Advocate Hamilton, Mr. Omond, we think, hardly does justice to him in reference to that commission. He says that Sir Thomas had no interest in such antiquarian studies, and conveys the impression that he had taken little interest in the object of that commission. But Hamilton was untiring in every work which was intrusted to him. The two large volumes of his collections of ancient charters and records, all bearing on the history of feudal forms, afford ample evidence of his zeal in antiquarian research. Mr. Omond himself refers to these and his other legal manuscripts as records of his wonderful industry.[1]

A few months later Thomas Hamilton received another and more permanent appointment, by being chosen, on 2d November 1592, to succeed David Chalmers, Lord Ormond, as an ordinary lord of session.[2] At that time every candidate for the bench was obliged, before obtaining the appointment, to submit to the ordeal of a six days' probation, during which trial was made of his qualifications. The first three days the lord-probationer sat with the Lord Ordinary in the Outer House, and drew up a report "of all the alledgances, answers, duplies heard and proponed by the parties and their procurators." He was also required to give his opinion first upon every question or interlocutor. The other three days were passed in the Inner House, where he had "to reason on ilk actioun and cause that shall happen to be called during that time." The lords then consulted among themselves about his qualifications, and after voting thereupon reported to the king accordingly.[3] These successive probations were passed by Hamilton to the satisfaction of the lords, and on the 9th of the same month he took his seat on the bench with the judicial title of Lord Drumcairn. This title was assumed from his estate in the county of Perth.

From that date the name of Lord Drumcairn is of frequent occurrence in the public records in connection with the leading events of the day. Previous to 14th June 1593, he was made a privy councillor, and on that day he attended a meeting of Council at Holyrood,[4] this being the first time his name appears on the sederunt of the Council. In July of the same year he was appointed by Parliament one of a special committee or commission to manage the queen's estates and finances. The success which attended the efforts of this committee in securing to the queen a considerable increase of revenue brought no little credit to her advisers, and, as will be shown, was the cause of several of them, among whom was Lord Drumcairn, receiving a similar appointment in connection with the king's exchequer. In both instances extensive and almost absolute powers were conferred upon the councillors chosen by the king and queen respectively. The queen's council consisted of seven persons nominated by herself, with the king's special advice and consent, viz., Lord Drumcairn, Alexander, Lord Urquhart, president of the court of session, Walter, commendator of Blantyre, keeper of the privy seal, Mr. John Lindsay of Balcarras, Mr. James Elphinstone of Invernochtie, Alexander Hay of Easter Kennet, clerk of register, and Mr. Peter Young of Seton, eleemosynar to the king. According to the Act this council was appointed for the better preserving of the queen's property and estates from unprofitable dispositions in time coming, while the queen, on her part, promised, on the word of a princess, to follow the good advice of her councillors, and that no writ was to pass the hands of their Majesties, or be of any force or effect to a purchaser, unless subscribed by them.[1] This Act was subscribed by the king and queen. Its importance consisted less in the provisions which it contained, or in any benefit which accrued to the queen by their operation, than in the fact that it led to and was the foundation of an Act of wider issues, and which, for a time at least, revolutionised the affairs of the kingdom.

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[1] The Lord Advocates, pp. 69, 87.

[2] Senators of the College of Justice, p. 221.

[3] Vol. ii. of this work.

[4] Register of the Privy Council, vol. v. p. 83.

A few months after being placed on this commission, Lord Drumcairn was engaged in work of a different kind. This was a judicial case connected with one of those feuds common in lawless times, which, as narrated in a complaint given in to the Privy Council, gives a glimpse of one side of life in Scotland at this period. The feud was one about certain debateable lands being the marches between the lands of Torhead and the moor called King's-side moor and Forrester's mansion, on one part, and the lands and forest of Torwood on the other part. The principal parties engaged in it were Alexander Forrester of Garden, owner of the mansion, on one side, and David Seton of Parbroth, king's comptroller, with John Drummond of Slipperfield, tacksman of Torwood, on the other. The case, after passing through various legal stages, came before the lords of Council, when certain exceptions were proposed by Alexander Forrester which were "elydit" in the replies made to them. For proving the replies Lords Drumcairn, Whittinghame, and Holyroodhouse were ordained to visit the disputed ground, and there examine witnesses. The three lords, meeting at the place and time appointed, were met by the laird of Garden, accompanied by the large number of "ane thowsand men on horse and fute," prepared to resist them. The lords invited the laird to dismiss his men, and to come to the lands in question "with ten men and himself in sobir maner," that the examination of witnesses might be proceeded with, but this the laird refused to do. In this dilemma the lords retired to the place of Elphinstone for two days in the hope that the laird would disband his forces. At the expiry of that time they again endeavoured to carry out the instructions of the Council. David Livingston, the king's commissioner, who was sent to see that the lords were not molested, and that good order was kept, accompanied them. They were met on the way by the laird's procurators, who intimated to them that if John Drummond, or any of his witnesses, repaired to the disputed ground, there would not fail to be slaughter, seeing that Forrester, his son, and friends, with their whole forces, " wer of new gadderit of evill mynd, altogether inclynnit to blude." Riding near to the ground, and ascertaining that this statement was true, Drummond was not only forced to depart without producing his witnesses, but the judges were also compelled to depart without executing their commission. On 11th October, they attended the Council, and attested the fact of the convocation described.[1] The matter does not appear to have been further prosecuted.

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[1] Acts of the Parliaments of Scotland, vol. v. p. 26.

On 18th January 1594, Lord Drumcairn was present at a Convention of Estates at Holyrood.[2] At this Convention an Act was passed freely and voluntarily offering and granting to the king a taxation of one hundred thousand pounds Scots in anticipation of the birth of an heir to the crown, and to defray the necessary charges to be incurred on such an auspicious occasion.[3]

In the same assembly the subject of the Roman Catholic Earls of Angus, Huntly, and Errol, came up for consideration. King James had from time to time given too good ground for the repeated complaints of his subjects that he favoured these noblemen and their adherents. These complaints, sometimes made by the Church through her commissioners, sometimes by the Presbyterian ministers from their pulpits, and frequently from Queen Elizabeth, as well as the treasonable intercourse of the earls with Spain, and their active open rebellion, and his own circumstances at the time, occasionally roused the king to act against them. The provincial Synod of Fife, convened in St. Andrews in September,[4] passed the sentence of excommunication upon the earls, who, however, on submitting themselves to the king shortly afterwards, had their case dealt with by the Privy Council, and referred to a Convention of the Estates.[5] On 31st October the Council appointed a commission for their trial, on whose suggestion the Convention, on 26th November, passed an Act of Abolition, by which it was declared that the earls " sal be free and vnaccusable in tyme cuming of the saidis causes and crymes, upon condition that they embraced the true religion by law established; or if unable to do this, that upon their declaring it to the king, and receiving his licence, they were to remove beyond the sea before the 1st of February following, and there remain until such time as they embraced the true religion, and gave satisfaction to the king and the Church.[1] But a later Act was passed declaring the three earls, and others specified, to have "amitted" the benefit of the Act of Abolition, and ordained that they should be summoned to undergo trial for their crimes.[2]

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[1] Register of the Privy Council, vol. v. pp. 98-100.

[2] Acts of the Parliaments of Scotland, vol. iv. p. 50; Register of the Privy Council, vol. v. p. 115.

[3] Acts of the Parliaments of Scotland, vol. iv. pp. 50, 51; Register of the Privy Council, vol. v. pp. 115, 116. The anticipated event took place in the castle of Stirling on the 19th of February following, when Henry, Prince of Scotland, was born.

[4] Calderwood's History, vol. v. pp. 261, 268.

[5] James Melville's Diary, Wodrow ed., pp. 309, 310.

In June 1594, the Scottish Parliament passed an important Act, specially directed against the Highlands, but intended to repress lawlessness which prevailed generally over Scotland,[3] and Lord Drumcairn, as one of the judges of the Supreme Court, was called to aid in the work. Nowhere was there security; deadly feuds existed largely among the nobles, many of whom had become formidable, and were not amenable to the law. "Broken men," "disordered persons," and "outlaws," were numerous, and were constantly committing depredations on the property of others; in many instances it was impossible to administer the law, and misrule was to a large extent the order of the day. The proceedings in the feud between the lairds of Garden and Slipperfield, already described, are an illustration of the lawless nature of the time.

In view of such disorders, the Act of Parliament was immediately followed by an ordinance for the better executing of the laws, dated 15th June 1594, ordaining that justiciary courts be held twice in the year throughout the country, and that noblemen and some of the Privy Council and College of Justice should assist the king's justice and his deputes in holding these courts. They were to be held in April and October, and were to commence in October following. By way of preparing, however, for these ordinary courts, and in order to ascertain "who will be obedient and inobedient," the courts were appointed to sit on the 12th day of August next, and Lord Drumcairn was appointed assessor for the sheriffdom of Dumfries and stewartries of Kirkcudbright and Annandale. Those who were to act with him in a like capacity were William, Lord Herries, Mr. Robert Douglas, provost of Lincluden, collector-general, and William Melville, commendator of Tungland.[4]

CHAPTER THIRD.

THE OCTAVIANS—HAMILTON APPOINTED LORD ADVOCATE.

1596.

THE year 1596 is regarded by historians of the period as an eventful one in Scottish history, and it was also a year of much importance in the life of Lord Drumcairn. In order to explain the events which transpired in the course of that year, and with which he is associated, it may be proper to state the circumstances which gave rise to them. One of the first, and not the least important, of these events, was the appointment of eight commissioners, of whom Hamilton was one of the principal, to be lord auditors of the exchequer.

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[1] Acts of the Parliaments of Scotland, vol. iv. pp. 46-48; Register of the Privy Council, vol. v. pp. 108, 109.

[2] Acts of the Parliaments of Scotland, vol. iv. pp. 52, 53; Register of the Privy Council, vol. v. p. 116.

[3] Acts of the Parliaments of Scotland, vol. iv. p. 71.

[4] Register of the Privy Council, vol. v. pp. 754, 755.

Besides the disordered condition of the kingdom of Scotland, to which reference has already been made, its finances were in an unsatisfactory state. There is little difficulty in accounting for this. The several regencies which had governed the country, the long period of the king's minority, the divisions into powerful factions which prevailed among the nobles and lairds, the self-aggrandising policy followed by the nobility and others, the troubled and disordered condition of the country, the wasteful extravagance of the royal household, and the constant drain upon the property of the Crown in the lavish and indiscriminate bestowal of gifts by the king to private suitors and favourites, not to speak of necessary expenditure, had all contributed to impoverish the revenues of the country. The consequence was that the king was hampered at every turn for want of money.

Repeated attempts were made to replenish the treasury, and to meet the king's debts. In 1578, when King James took the reins of government into his own hands, although Morton was practically still regent, the different grants of pensions which had been made out of the surplus of the thirds of benefices, were formally revoked.[1] Two months later, the gifts which had been made out of the king's property in the time of his minority were likewise revoked.[2] In the month of May 1587, when the king had almost reached his majority, he placed himself under restrictions in regard to giving away of gifts. No signature, gift, or disposition, although subscribed by the king, was to be paid out of the profits of the casualties of the treasury unless it bore the signature of the treasurer and his depute.[3] The following month the king gave an additional pledge in regard to his finances. Finding the treasury "very far superexpendit," and the necessity of paying some good part of his debts before extending his liberality to others, at the earnest desire of the nobility and Estates, he promised to stay his hands from parting with his casualties gratis.[4] In July of the same year the temporalities of benefices were annexed to the Crown,[5] and subsequent expedients to replenish the treasury, and to satisfy the king's creditors, consisted of the appropriation of forfeited rents and lands, making assignation of the profits of the Mint, borrowing largely from private persons, and pledging of jewels and plate belonging to the king.

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[1] Register of the Privy Council, vol. iii. p. 29.

[2] *Ibid.* p. 48.

[3] *Ibid.* vol. iv. pp. 180, 181.

[4] Register of the Privy Council, vol. iv. p. 185.

[5] Acts of the Parliaments of Scotland, vol. iii. p. 522.

These measures proving insufficient even with the ordinary revenue derived from taxation, from the rents and profits of the patrimony of the Crown, and from the annual allowance received from Queen Elizabeth to liquidate the king's debts, some still more drastic measure was required. A commission, to be referred to immediately, sets forth that the king's rents were decayed, his customs diminished, his property going to ruin, his expenditure in fees and pensions increased, in short, that there was neither "quhyte, nor beir, silver, nor uthir rent to serve his hienes sufficientlie in breid and drink nor othirwayes."

According to a letter written at the time the effectual remedy was suggested to the king by a circumstance which made a deep impression upon him. On New Year's Day (1st January 1596) the queen presented her husband with a purse of gold. Upon the king expressing wonder as to where she got it, she told him that her councillors had just given her a thousand pieces in a purse, adding that it would be a long time before his advisers would be able to give him as much. To this remark the king gave an emphatic assent, and the result of the conversation, it is said, was that he immediately dismissed the treasury officials, and gave up the entire management of the revenues and of his household to the councillors of the queen,[1] who consisted of Lord Drumcairn and others already named. To these were added David Carnegie of Colluthie and John Skene of Curriehill, and because of their number being eight, they were called Octavians. The commission to them is dated 9th January 1596,[2] and was ratified in a Convention of Estates held on 24th May following.[3]

In the commission the powers and jurisdiction of the commissioners are laid down. They were to be lords of exchequer for life; while their administration was to be in such ample form and manner, and with as great power, authority, and jurisdiction as that granted to the queen's councillors. The king was not to increase their number, and in case of a vacancy by the death of one of them or otherwise, he was not to present any other to be commissioner unless with their consent.[4]

In accepting this office the commissioners took care to fortify their new position. The king laid down certain instructions which he made them swear solemnly and inviolably to keep and observe, they, on their part, "for the better furtherance of his affairs," tabulated certain articles which they craved that he would promise and perform "*in verbo principis*." In these articles the king is made to promise, among other things, that he will never solicit nor menace the commissioners, directly nor indirectly, to do anything contrary to the tenor of their commission, that he will subscribe nothing concerning the treasury without their consent, that he will denude himself of the right to choose and elect his advocate, and commit it to them to choose a qualified man to hold that office in case of death, deprivation or demission of any presently serving in the office; that he will approve and allow the order which shall "be set downe anent his house and esquirie, number of personis, measure of expenses, heiring and comptrolling of the dyet buke and nichtlie comptis," and that he will cause the Duke of Lennox, as chamberlain, to keep good order in the house, and punish transgressors when he shall be requested to do so.

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[1] Abstract of anonymous letter [John Colville] to [Mr. Bowes], January 7, 1595-6, in Thorpe's Calendar of English State Papers relating to Scotland, p. 703. Tytler's History, vol. vii. pp. 305, 306.

[2] Register of the Privy Council, vol. v. p. 258.

[3] Acts of the Parliaments of Scotland, vol. iv. p. 98.

[4] Register of the Privy Council, vol. v. pp. 254-257.

The commissioners were to convene in some special place appointed for the purpose, at least twice a week during the sitting of the Supreme Court, and were empowered to dismiss any "superfluous number of unprofitable officers," retrench the number of servants of all degrees, make appointments, regulate fees, and "reduce his howshald to the estait of the tyme of sik of his Majesties nobill progenitouris as hes bene best governit." They were also to "forsie and provide" that the king's house be served with his own victuals.[1]

From what has been stated, it will be seen that Hamilton and his coadjutors now occupied a position of great power and trust, though it will appear shortly that they used this position to reach forward to greater power and influence. Great things were expected of this new commission, greater things, indeed, than could possibly be realised. One historian of the time, writing of the appointment, says, "It was thought now that all would be well handled."[2] Another says: "Hereby it appeared that all civil war should cease this year, peace should be called home again, the fury of arms laid down, strength should be restored to the laws again, authority to judgment, and majesty to the senate, and so the ground should yield the old fertility, godliness and charity should be ingraft in the hearts of the people, men should be in sweet security that none should be wronged in his own possession, in respect the laws were profitably to be amendit, equally distributed, and justice engrafted in the hearts of the senate."[3]

Having taken the oath of their office the commissioners immediately commenced to discharge its duties, and were not wanting on their part in endeavours to effect a change. Instead of twice a week they met every day, their meeting-place being the Upper Tolbooth. The regulating principle which they professed to act upon was rigid economy, and to this many private interests were sacrificed. Pensions were recalled, fees, and the emoluments of offices, were reduced. The king could no longer lavish gifts and money upon his favourites, and economical measures were introduced into his household. Even the domestic servants of the king and queen, it is said, were deprived of their pensions, and many of them removed.[1] This line of conduct, however necessary to bring about a much needed reformation, could not fail to create many enemies to the Octavians. They retained the favour and support of royalty, but the courtiers, and those who suffered from the changes which were made, were much incensed. The measures referred to, however, were, from a business point of view, legitimate and essential.

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[1] Register of the Privy Council, vol. v. pp. 757, 758, 760.

[2] Memoirs of the Affairs of Scotland, by David Moysie, p. 125.

[3] History of King James the Sixth, p. 364.

Had Hamilton and the other Octavians limited themselves to these reforms, all might have been well. But their further procedure in appropriating to themselves the chief offices of State, after depriving others of them for that purpose, was not so defensible, and did not fail to bring opprobrium upon them. The Octavians professed it was necessary for their managing the king's rents, and carrying out the reforms which they proposed, that they should have in their own hands these high offices.

Thomas Hamilton was the earliest to benefit by this arrangement, the first office which was appropriated being that of lord advocate,[2] which was bestowed upon him. The letter of gift by which the king conveyed the appointment is dated 31st January 1596, only a few weeks after the Octavians were appointed lords auditors of the exchequer.[3] The important office of lord advocate had up to this time been considered of sufficient consequence to be held by two individuals. When the Octavians came into power it was held jointly by Mr. David Macgill of Cranston-Riddell and Mr. William Hart of Livielands. Macgill was an aged and infirm man, and not in a condition to attend to his official duties. Various attempts were made to induce him to retire from office; he was even threatened with dismissal. But he would not be persuaded to resign. He died on 13th February, a fortnight after Hamilton was conjoined with him in the office of king's advocate.[4] On this same day Hamilton received another letter from King James, ratifying the former gift, and constituting him sole advocate to the king during his life. In the letter the king vindicates this arrangement, stating that the duties of lord advocate would be better attended to, and at less cost to the country, if given to one person, instead of being placed in the hands of two or more.[1] For a year after this, however, Lord Drumcairn and Hart continue to be mentioned as joint "advocates to our Sovereign Lord," and to act together in that capacity.[2] Probably Hart was permitted to retain the office until he should receive some other appointment. In June 1597, he was admitted to the office of justice-depute,[3] and from this time Lord Drumcairn appears as sole advocate to the king.

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[1] Calderwood's History, vol. v. pp. 393, 394.

[2] The transference from the king to the Octavians of the right to choose a person to fill this office, it will be remembered, was one of the articles to which the king bound himself. The other offices with which they invested themselves, were as follows:—*lord treasurer*, held by Sir Thomas Lyon, Master of Glamis; *treasurer-depute*, held by Sir Robert Melville of Murdocairnie; (these offices were given to Walter Stewart, commendator of Blantyre;) *secretary of State*, held by Sir Richard Cockburn of Clerkington; John Lindsay, parson of Menmure, succeeded him as secretary. The remaining offices appropriated were those of *collector-general* and *comptroller*, which were given to James Elphinstone of Innernaughty. [Calderwood's History, vol. v. p. 394; History of King James the Sixth, pp. 365, 366.]

[3] Senators of the College of Justice, p. 222.

[4] Books of Sederunt quoted in Senators of the College of Justice, pp. 180, 222. Two contemporary historians, Spottiswood and the author of "The Historie of James Sext," allege that Macgill died from vexation at the appointment of Hamilton to the office of lord advocate, but this has been doubted by later writers.

The Octavians having monopolised the principal offices of State, with the emoluments belonging to them, and being united among themselves, now became a formidable body. They practically held the whole administration of the realm in their hands, and James had little more than the name of king left to him. Calderwood says they swayed the country as they pleased.[4] The other courtiers, who are described generally by the name of Cubiculars, or gentlemen of the bed-chamber, became jealous of their power, and forming a party in opposition to the Octavians, set themselves to effect their overthrow. Many of them had been displaced from lucrative and honourable positions; others deprived of pensions, or disappointed in their prospects of advancement. Formerly to obtain the king's favour was to secure gifts and promotion, but now he was a mere instrument in the hands of these commissioners of exchequer.

But that which more than anything else made the Octavians unpopular, and which ultimately led to their resignation, was their suspected leaning to Roman Catholicism. This brought them into conflict with the Church, and indeed with the nation. Circumstances which arose in connection with the forfeited Roman Catholic earls tended not a little to increase the distrust and alarm which prevailed, nor did the Octavians do anything to allay this feeling. It was believed that they were in some way connected with the return of these earls, and that it was through them they were admitted to the king, with a view to being restored to favour. In addition to this, their policy brought about a breach between the king and the Presbyterian ministers, as "they made it their chief design to kindle the king's wrath against the most zealous of the ministry."[5]

At a Convention of Estates held at Holyroodhouse on 22d May 1596, an Act was passed ordaining that all further action against the earls touching their intromissions with their rents be suspended until it was ascertained what their demeanour to the true religion had been during their exile.[6] By the month of August Huntly had returned from abroad, and was in the north of Scotland. While there he petitioned the king to grant him licence to repair within the realm. This petition was considered at a meeting of Privy Council convened at Falkland on the 12th of August. Alexander Seton, president of the College of Justice, and one of the Octavians, took the part of the earls, and advocated their recall from banishment. James Melville, in his diary, furnishes an account of the proceedings of the Council with reference to these noblemen. "Alexander Setoun, president of the sessioun, a papist, maid a prepared harang, wharby to perswade the king and Esteattes to call hame these erles, lest lyk Coriolanus the Roman, or Themistocles the Athenian, they sould joyne with the enemies and creat an unresistable danger to the esteat of the countrey."[1] The decision of the Council was that there should be set down conditions which would secure the true religion and the safety of the king and country; and that if Huntly consented to these conditions, and gave security for his performance of them, liberty should be given him to return and remain in any part of the realm appointed by the king.[2] Lord Drumcairn was present at this meeting, and also at a subsequent one at the end of September, when the Act of Falkland was ratified.[3]

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[1] Tytler's Life of Craig, p. 259.

[2] Pitcairn's Criminal Trials, vol. i. p. 366; vol. ii. p. 16.

[3] On 15th June 1597, William Hart presided in the court of justiciary as justice-depute. [Pitcairn's Criminal Trials, vol. ii. p. 18.]

[4] Calderwood's History, vol. v. p. 394.

[5] Baillie's Historical Vindication, p. 68.

[6] Register of the Privy Council, vol. v. pp. 289, 290.

When it became apparent that it was the purpose of the king and the Octavians that the forfeited earls should be recalled, and when it was known that both Huntly and Errol were again in Scotland, general dissatisfaction spread through the country, and the ministers everywhere sounded the alarm. Andrew Melville was foremost in this work, as well as in personal dealing with the king on the subject. But the king and the Octavians were resolved to follow out the policy which they had commenced, and from this time a bitter contest was carried on between the king and the Church upon the question of prerogative, a contest in which Lord Drumcairn took a prominent part.

Chapter Fourth.

THE OCTAVIANS (*continued*).

1596—1598.

Under the chancellorship of Maitland of Thirlestane the Church of Scotland had enjoyed a fair measure of royal favour, and of legislation highly favourable to her Presbyterian system. By his efforts differences which existed between the Court and the Church were removed, the king was induced to withdraw his support from the

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[1] Diary, pp. 368, 369.

[2] Register of the Privy Council, vol. v. pp. 310, 311.

[3] Register of the Privy Council, vol. v. p. 317; Acts of the Parliaments of Scotland, vol. iv. p. 101.

Roman Catholic party, and peace was brought about between the king and the Church. The National Covenant was renewed in 1590 by persons of all ranks under an ordinance of Council made at the desire of the General Assembly. In 1592, Maitland secured to the Church a most important, although not a faultless settlement of religion, by which the Presbyterian government and discipline were legally established.[1] In short, the Church at this period had reached the zenith of her first Reformation glory.[2]

With the death of Maitland, in the beginning of October 1595, all this was changed. The king was in no hurry to fill up the vacant office of chancellor.[3] His influence being removed, the king's inclinations, hitherto opposed and held in check, had comparatively free course given them, and there was a return to the policy of the ex-chancellor, James Stewart, Earl of Arran, which had been so hostile to Presbyterianism. As already noticed, the forfeited earls were recalled, and means were being taken to have them restored to their estates. The Countess of Huntly was invited to be present at the baptism of the infant princess Elizabeth, afterwards Queen of Bohemia, and the king was about to confide the princess to the care of Lady Livingstone, who was a Roman Catholic, and on the eve of being excommunicated. It was afterwards asserted that the 17th December 1596, so famous on another account to be noticed on a later page, was to have been the date of a change of church-government, and that King James had a list of ministers whom he intended to prefer to bishoprics before that day.[4] The settlement of 1592 was to be overturned, the Church was to be remodelled, and her liberties greatly curtailed. Indeed, before the close of the year she had entered upon a period which, in the diary of one of the ministers of that time, is called "the declyneing aige of the Kirk of Scotland."[5]

Hamilton and the other Octavians were generally suspected of being the principal authors of this new policy, and of the obnoxious measures adopted by King James. Attempts were made at different times to bring home to them the responsibility of these measures. It was well known, however, that the king was disposed both to place restrictions upon the Presbyterians and to favour the Roman Catholic party, and that no influence from his advisers was required to induce him to that course. Moreover, the Octavians were prudent enough not to permit their hand to appear in the framing of the new measures. There was thus considerable difficulty in tracing the troubles of the Church to Hamilton and his coadjutors, but that they were more or less directly connected with these there is little reason to doubt.

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[1] The Act of Parliament embodying this settlement was entitled, "Ratification of the liberty of the true Kirk," etc. Nearly a hundred years later, at the Revolution in 1690, this Act was revived and confirmed, and has been in force ever since.

[2] Calderwood, vol. v. pp. 387, 388.

[3] The office continued vacant for more than three years. The Earl of Montrose was appointed chancellor on 18th January 1599.

[4] Scot's Apologetical Narration, p. 71.

[5] Mr. James Melville's Diary (title-page of continuation), Wodrow ed., p. 503. Melville, who brings this "continuation" down to 1610, writes, "Necessitie is laid upon me, with sorrowful heart and drouping eyes, to sett doun the declyneing aige thereof, which took the sensibill begining at that Evill Synod, the sevintein day of December in the yeir of our Lord 1596; and haith continewit from evill to worse unto this present yeir 1610." *Ibid.* p. 506.

On 20th October the Commission of the Church took the decided step of summoning President Seton before the Synod of Lothian on the 2d of the following month, to answer for the part he had taken at the Falkland Convention in recommending the recall of the exiled earls. This summons, being resented by the lords of Session, was afterwards departed from, and, by a compromise, Seton voluntarily appeared before the Council, purged himself of having had dealings with any of the Catholic earls, and promised not to favour them in future.[1]

The king, however, was anxious that some agreement should be come to with the Church concerning the Catholic earls. With this in view, he appointed Lord Advocate Hamilton, the president, the secretary, and David Carnegie of Colluthie, to confer with an equal number of ministers upon the subject. Those deputed by the Church were Mr. David Lindsay, Mr. Patrick Galloway, Mr. James Nicholson, and Mr. James Melville. A conference took place on the 6th of November. The king offered his promise that the Catholic earls should receive no favour until such time as they gave satisfaction to the Church, while he inquired if, in the event of such satisfaction being given, the earls might be pardoned and restored to their estates. After consultation with the Church Commission, the ministers accepted the king's offer. They, however, declared that as the earls had, by the law of God and the sentence of Parliament, been condemned to death, the king could not lawfully pardon and restore them, and that if he took any other course with them it must be upon his own responsibility. They further added that they could give no other advice of conscience and duty toward his Majesty's safety and the welfare of his Church and country. The lords then asked if upon the earls repenting and submitting to the Church they would be received by her. To this it was replied that they would be received, but that this would not alter the magistrates' duty.[2] Spottiswood states that when the report of the failure of the conference was made to the king, "he was greatly commoved, inveighing against the ministers at his table, in council, and everywhere."[3]

Lord Advocate Hamilton was soon to be employed in a very different capacity in relation to one at least of the ministers of the Church.. The king now no longer disguised his intention, but openly announced that there could be no agreement between him and the Church till the marches of their jurisdictions were rid. The first step taken to effect this was the summoning of Mr. David Black,[1] minister of St. Andrews, to a special meeting of Privy Council, convened at Holyrood on 18th November, and, as lord advocate, it was the duty of Hamilton to prosecute. In this case the prosecution was skilfully adapted to the end in view, which was the placing of restrictions upon the free preaching of the Word, and compelling the Church to acknowledge the civil court in matters ecclesiastical. The summons served upon Mr. Black contained no specific charge against him. It only referred to "certane undecent and uncumelie speicheis" in sermons which he had preached during the preceding month in St. Andrews. The Church was quite alive to the designs of the Court, and so made common cause with Mr. Black. A declinature was drawn up in which, upon the ground of Scripture and of Acts of Parliament, the judgment of the king and Council, at least as a court of first instance in such cases, was disowned, and this declinature was subscribed by each member of the Commission of the Church. In this form it was presented to the Privy Council by Mr. Black, who claimed that his case should be referred to the presbytery where the sermons were preached, and where the king could be a complainer as a member of the Church, and not as king. Nothing definite, however, was accomplished at this meeting, and the case was continued till the last day of the month.[2]

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[1] Calderwood's History, vol. v. pp. 447, 448; Spottiswood's History, vol. iii. p. 11. Spottiswood's History, vol. iii. p. 10.

[2] Calderwood's History, vol. v. pp. 449, 450;

[3] *Ibid.* vol. iii. p. 11.

In the meantime the Church used diligence in preparing for the conflict which the king had now inaugurated. A copy of the declinature was despatched to all the presbyteries in the kingdom with an explanatory letter, in which they were desired to obtain the approval of every minister within their bounds, and to return it with as many signatures as possible before the first day of the following month.[3] The Octavians were told it was evident that either they had stirred up the king to act against the Church, and favour her enemies, or did not use their influence to prevent him doing so. They were reminded that they found the Church at freedom; that they were the ordinary council of his Majesty, who, being a prince of his own country, was by its fundamental laws subject to his council, and they would therefore justly be held responsible for whatever fell out. Occasion was also taken to admonish them of their negligence in attending upon divine ordinances. Placed thus upon their defence, the lord advocate and those in power with him, although not a little annoyed at the action of the Church, submitted to the admonition.[4] They gave an emphatic negative to all the charges made against them. They declared they had neither favoured the Catholic lords, nor counselled the king against the Church, nor had they induced him to enter into controversy with her in any matter. Of all this, Calderwood says, they purged themselves "verie muche." The position of the Octavians by this time seems to have been anything but comfortable, and they appear to have given expression to the fact on this occasion. After purging themselves of the accusations of the Church, they declared that "because for their good deserving, they had got little thanks, they were determined to quit their commission, and cast it in the fire. But as for other matters that the king had to do with the Church, they would not meddle therewith."[1]

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[1] Mr. James Melville gives Mr. Black the character of being "a man mightie in doctrine and of singular fidelitie and diligence in the ministrie." Diary, Wod. ed., p. 293.

[2] Register of the Privy Council, vol. v. pp. 326, 327.

[3] Calderwood's History, vol. v. pp. 460, 461.

[4] Spottiswood says the President answered them "in choler." History, vol. iii. p. 18.

The Church next exerted herself to induce the king to depart from the summons against Mr. Black, but here also her endeavours proved abortive. James would make no concession. On the other hand, he was so dissatisfied with their communicating the declinature to the different presbyteries and other procedure, that, on the 24th of November, letters were issued upon an act of Council, charging seven of the commission to leave the town within twenty-four hours.[2]

On the 30th Mr. Black again appeared before the Council, Lord Advocate Hamilton being present as prosecutor. Six accusations against the defender were stated in the new libel. These were generally that Mr. Black had affirmed the king was a consenting party to the return of the Catholic earls, whereby the treachery of his heart was detected; that kings were the devil's children; that he had no cause to pray for the queen unless for the fashion, and that the Queen of England was an atheist; that he had spoken disrespectfully of the nobility and lords of Session, and unlawfully convoked his Majesty's lieges for seditious purposes. Mr. Black craved that Mr. Robert Pont and Mr. Robert Bruce be permitted to assist him in his defences. This was granted, the lord advocate, by express command of the king, protesting that previous legislation and the constant practice of the court to the opposite effect should in no way be prejudiced by this concession. Mr. Black asserted that the accusations made against him were maliciously forged and devised, and altogether untrue. In support of his innocence he produced two testimonials in his favour, one by the provost, bailies, and council of St. Andrews, and the other by the rector, dean of Faculty, professors, regents, and masters of the University there. He offered to submit to be tried by the

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[1] Calderwood's History, vol. v. p. 462; Spottiswood's History, vol. iii. p. 18.

[2] Spottiswood (History, vol. iii. p. 18) makes it appear that this charge was known to the ministers previous to their addressing an admonition to the Octavians, and that it was partly the cause of their taking this course. This, however, must be a mistake. The Council passed the letters as stated on the 24th, whereas the answers of the Octavians were reported to the Commissioners on the 23d, the resolution to deal with the Octavians being come to on the 22d. The ministers do not appear to have heard of the charge until the 24th of the month. Vide Scot's Apologetical Narration, p. 72; Calderwood's History, vol. v. pp. 461-463.

Council in regard to the article charging him with convocating the king's subjects for seditious purposes, but declined their authority on the other five articles of the libel. The Council, however, unanimously declared themselves competent judges in the whole causes contained in the libel. On the 2d December, after the depositions of certain witnesses in support of the accusations were produced by the lord advocate, and considered by the king and Council, they found all the charges proved against Mr. Black, and ordained him to enter ward in any part beyond the "North Water," until such time as the king, to whom it was reserved, should resolve upon the further sentence to be passed against him.[1]

Calderwood states that early on the same day, before the Council was convened, the king appeared willing to come to some amicable arrangement with the Church about Mr. Black's case, so that the act of Council passed against him on the 30th of November might be departed from. But at a later hour the ministers found that his Majesty's disposition had been altered by certain of the Octavians and others.[2] What reason they had for influencing the king against the Church, and whether the lord advocate was one of those alluded to, does not appear. He and his colleagues, however, were at this time endeavouring to strengthen their position, and they may have considered it expedient for that purpose that the Church should be weakened. At the meeting of Council last referred to, and immediately after Mr. Black's case was disposed of, Lord Urquhart, for himself and the other lords of Exchequer, made a statement, and obtained an Act by which certain noblemen were appointed to assist them in their duties.

The assiduity and painstaking labours of the lord advocate and the other lords of Exchequer during this year, in connection with the duties imposed upon them, are made apparent by the statement of Lord Urquhart on this occasion. They had convened in Exchequer daily both in the forenoon and afternoon, from the time of receiving their commission till the vacation, and had also met several times during the vacation. They had attended to the king's property both in the Highlands and Lowlands; had annulled unprofitable dispositions; had appointed such number of officers as would best serve for the estate of the king and queen; had attended to the ordering of the king's house and castle, furnishing his house with wines and other necessaries; had made provision for the plenishing of his parks, and set down proper rentals. "Nothing requisite, or that possibly might have been performed for the honour, welfare, and security of their Highness' estate, had in any way been neglected or omitted." Lord Urquhart added that they were willing to continue their labours in the same service to the end of their lives; but with their work daily increasing, they found it impossible for their small number to overtake it and to attend daily on the Session, especially as they were subject to malice and causeless envy from persons of all classes. He therefore craved that they be relieved of their charge, or at least that some of the nobility, who ought to be fathers of the common welfare, and to whom the ordering of public affairs properly belonged, might be appointed to advise his Majesty in things concerning his property, casualties, and other public matters, to whom he promised they would give their concurrence and assistance.[1]

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[1] Register of the Privy Council, vol. v. pp. 340-342. Calderwood's History, vol. v. p. 487.

[2] *Ibid.* vol. v. p. 486.

In compliance with this request ten of the nobility were appointed to assist them in the future. These were the Duke of Lennox, the Earls of Argyll, Crawford, Montrose, and Mar, the Lords Livingston, Home, and Seton, Sir Robert Melville of Murdocairnie, knight, and Sir John Cockburn of Ormiston, knight, justice clerk. These were to be present at meetings of exchequer at all times, or as necessity required, to concur with and assist the Octavians.[2]

This did not much lengthen out the term of office of the Exchequer commissioners, and an event now occurred which virtually put an abrupt ending to it. This was brought about by the agency of the Cubiculars, already referred to. Perceiving that the position of the Octavians was strengthened by an alliance in office with the more prominent of the nobility, the Cubiculars endeavoured more strenuously than ever to effect their downfall. The dissensions between the king and the Church were highly favourable to the success of their plans. These, therefore, they carefully fomented, and they also stimulated further division between the Presbyterian ministers and the Octavians. By these means they brought about the famous Edinburgh tumult of the 17th of December, which has been fully described both by contemporary writers and modern historians; but as it bears on the history of Lord Advocate Hamilton, and had results reaching far beyond the immediate intentions of its promoters, it may be briefly detailed here.

On the evening preceding the tumult, the Cubiculars informed the Octavians that some of the most zealous of the friends of the ministers were maturing designs to take their lives. The Octavians, crediting the information, obtained, in self-defence, the king's consent that a proclamation be issued commanding twenty-four of the principal citizens to leave the town the following morning. The Cubiculars on the same evening went to the ministers, and stated to them that the Octavians were about to alter the religion of the land; that unless with their consent the Catholic earls could not have returned to the country; and that it was well known that President Seton, Mr. James Elphinstone, Mr. Thomas Hamilton, and Secretary Lindsay, were Catholics. The next morning they followed up these steps by informing the ministers and others that the Earl of Huntly had been in the palace in secret conference with the king till midnight, and that the retainers of the earl were in readiness to enter the town and take possession of it.

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[1] Register of the Privy Council, vol. v. pp. 336, 337.

[2] *Ibid.* vol. v. p. 338.

Colour was given to this report by the king's proclamation already mentioned. The worst rumours were at once spread amongst the people. The day being Friday, when the weekly sermon was preached, the ministers arranged that a meeting should be held immediately after divine service to consult what course should be adopted for the safety of the people, and the barons and burgesses were invited to be present. At this meeting, which was a scene of great confusion, it was arranged that two persons from each of the Estates should wait upon the king, who was then with the Privy Council in the Tolbooth. These commissioners were unfavourably received by the king, and returned to make their report to the meeting. Meanwhile, a rumour of the king's refusal to see them having got abroad, some one came to the church, where the ministers and others were still consulting together, and cried out at the door, "Fy! save yourselves," and ran to the street calling out, "Armour! armour!" One in the church exclaimed, "The sword of the Lord and Gideon." The people were now in a panic, and the ministers were unable to control them. Some went to the door of the Tolbooth and called for Lord Advocate Hamilton, President Seton, and Mr. James Elphinstone, that order might be taken with them.

For some time it was rumoured that these Octavians were killed, but although much alarm prevailed for some time, no real harm was done to the person of any one, neither was there any property injured. Baillie writes of the tumult, that "the people being frightened and apprehending upon very probable grounds a present surprise of their town and persons, ran to their arms for defence, but finding no enemy to appear, presently they laid aside their weapons without any compulsion, either from the hammermen or any other. . . . No tumult in the world was ever more harmless in the effects, nor more innocent in the causes, if you consider all those who did openly act therein."[1]

One result of the tumult, and that the one desired by the Cubiculars, was the resignation of the Octavians,[2] but ere their resignation was finally accepted, events developed in a wholly unforeseen manner, and advantage was taken of this popular outbreak to inflict a severe blow upon the Church and her ministers. At first, however, there was an apparently amicable settlement. The ministers, while still hesitating as to their further movements, were informed that the king would receive favourably any petitions which were sent to him in an orderly manner that afternoon. But ere their demands were formulated, and a deputation from them reached

[1] Historical Vindication, pp. 70, 71.

[2] Register of the Privy Council, vol. v. p. 357.

Holyrood, it was late, it had also been resolved upon at a meeting of Council not to receive them, and even to commit them to custody should any force themselves in. To avoid this extremity, Lord Ochiltree was sent out to arrange matters, and as the result of his efforts the deputation dispersed. The demands which were set forth in the proposed petition included the dismissal from Court of all excommunicated Papists. This was directed against the Earl of Huntly and others, but Lord Advocate Hamilton also was specially obnoxious, and it was further demanded that he and two others should be removed from the Council. As we have seen, these demands were not received; but next morning, to the consternation of the citizens of Edinburgh, the king and Court passed to Linlithgow, after issuing a proclamation. This was the first warning note of the policy now resolved upon by the king, and the elaboration of which occupied the Council fully for some time. As Hamilton was present in every Council meeting at this period, he may be held to be identified with the king's policy, and certainly no one was more active in carrying it into effect, so far at least as regarded the Church.

That policy was intended to subject the clergy more and more to the civil power; in short, to govern the Church by the royal prerogative alone, and as it had the same end in view, so the measures adopted in furtherance thereof were on the same lines as those employed in the prosecution of Mr. Black. They were framed with the view of curbing, if not wholly destroying, Presbyterianism, and a brief statement will show how skilfully and successfully the king promoted his designs by means of the "corslet tumult," as it was called.

The Council's proclamation, issued before any judicial inquiry could be made, or a dispassionate judgment formed, laid the responsibility for the tumult upon certain factious and restless spirits among the ministers of Edinburgh and others their associates. The ministers and the whole inhabitants of the burgh were charged with having done what in them lay to have bereft of their lives his Majesty and sundry of his trusty counsellors and good subjects. On this ground the law-courts were discharged from sitting in Edinburgh, all subjects not residents in the town were required to leave it, while the king announced his own withdrawal until order should be taken to have the burgh brought to a quiet condition.[1]

The Court remained at Linlithgow for some days. Acts of greater severity were passed requiring the holders of benefices and pensions to subscribe an acknowledgment of the king's power and authority over all estates, those refusing to do so losing what benefices, assignations, stipends, and pensions were possessed by them. It was also ordained that no one should receive the gift of any benefice or stipend until such time as they gave such acknowledgment.[1] The tumult was condemned as a treasonable gathering and enterprise, and those who had taken part in it were declared to have incurred the pains of treason.[2] The four ministers of Edinburgh, and the same number of burgesses, having been summoned to a meeting of Council on the 23d, and not appearing on that day, were denounced rebels and their estates forfeited.

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[1] Register of the Privy Council, vol. v. pp. 349-352; 18th December 1596, the day after the tumult.

From the time the Court left Edinburgh for Linlithgow the metropolis had been in a state of great fear as to what would be the outcome of the king's displeasure. The offended monarch had been urged to take extreme measures against the unfortunate town. He was advised, says Spottiswood, to raze it to the ground, sow it with salt, and place a monument over its site. Meanwhile the citizens were denounced rebels, their property confiscated to the king, and they expected utter ruin. From the first the magistrates had been prepared to make the most abject submission to the king, but this, so far from being in their favour, was the means of procuring the display of greater severity. They were charged to apprehend and incarcerate the four ministers of the city, and several of the citizens for their alleged share in the tumult. With one voice they agreed to carry this into effect. The ministers, however, having pressure put upon them by their friends, withdrew to some retired parts of the country, whence they issued apologies vindicating their retreat. The magistrates had sent commissioners to Linlithgow to clear themselves of what was laid to their charge, and to offer their obedience to the king, who were refused an audience, and received nothing but threats. On the 31st December 1596, the king, with the Court, returned from Linlithgow to Leith, where he announced his intention to enter Edinburgh the next day, on provision being made for securing his safety and that of his counsellors while they remained in the capital, and accordingly, attended by his nobles, he entered Edinburgh with military pomp. At a convention of the nobility and Council held on the same day, the magistrates disowned the tumult with detestation, and offered themselves for trial. They likewise engaged to bring the offenders to justice, and promised for the future they would neither appoint minister nor magistrate without the king's approval. These offers were ordered by the convention to be registered *ad perpetuam rei memoriam*.[3]

King James also took measures to have the Church brought to the same submissiveness as that displayed by the representatives of the town. He had already ordered the arrest of four of the leading ministers of the Church. General assemblies, synods, and presbyteries, were now forbidden to be held in Edinburgh, and were restricted to Musselburgh, Dalkeith, or some other town near the city. The ministers of Edinburgh, with their families, had hitherto resided together in one of the city closes; but in consideration that this proximity of residence was favourable to their combining against the designs of their sovereign, their dwelling-houses were appropriated to the king, and it was ordained that in time coming they should be lodged in separate houses within the burgh. A still further encroachment upon the liberties of the Church, of more serious import than either of these, was a declaration by the Estates that the king was to have power to command any minister in the realm to preach, or to desist from preaching, in particular places, as he might think most meet for quietness of his estate and country.[1] As a result of this last act, a number of prosecutions were instituted against ministers who had offended the king by their pulpit utterances. By these and other means, the clergy were, in a great measure, silenced and subjugated, at least for a time.

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[1] Acts of the Parliaments of Scotland, vol. iv. p. 103; Register of the Privy Council, vol. v. p. 352.

[2] Register of the Privy Council, vol. v. p. 352.

[3] *Ibid.* p. 356; Acts of the Parliaments of Scotland, vol. iv. pp. 104, 105.

On 7th January 1597, the day after the passing of these Acts against the Church, and exactly three weeks after the tumult, Lord Advocate Hamilton and the other Octavians made resignation into the king's hands of the commission of Exchequer which they had accepted only a year before. Spottiswood states, that during the management of the Octavians, the rents of the Crown were thriftily used; but he explains that the king loved to have peace, though with his own loss, neither did they like to be the instruments of his trouble.[2] With regard to the king loving peace though with his own loss, it will be seen that in accepting the resignation of the commission he made provision that he would not suffer any loss by the transaction.

The Octavians, on demitting their office, recommended to King James that another commission should be appointed, for a year at least; and expressed their willingness to serve upon it. The king adopted this course, and a new commission of Exchequer was presented to the nobility and lords of privy council at the Convention of Estates, which met at Holyroodhouse on 8th January. The minute embodying the commission bears that it was read, heard, considered, and allowed at the Convention, and ordered to be registered in the books of the Privy Council. In this commission twenty-one persons are chosen to be the lords of Exchequer.[3] So far as known, this immediate appointment of successors to the Octavians is not referred to by any historian, either contemporary or modern. Nor is there any allusion to it either in the Acts of Parliament or in the Register of the Privy Council.

Another commission, however, subscribed by the king at Holyroodhouse on 17th January, was on the 20th of that month given in to the lords of council and session at

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[1] Acts of the Parliaments of Scotland, vol. iv. pp. 107, 108.

[2] Spottiswood's History of the Church of Scotland, vol. iii. p. 40.

[3] Books of Sederunt of the Lords of Council and Session, iv. 1596-1608, part II., folios 216, 217.

Edinburgh, by Lord Advocate Hamilton, and by them ordered to be registered in their Books.[1] The minute of this meeting shows that this commission had been presented to the Privy Council on the 17th, and ordered to be entered in their books, but this does not appear to have been done, as neither the commission, nor any minute of Council relating to it, appears in the printed register of the Council. The commission is granted to twenty-three persons. These include the Octavians, the ten lords of Exchequer appointed on 30th November preceding, with the exception of Archibald, Earl of Argyll, and in addition Andrew, Lord Ochiltrie, Mark, Lord Newbotle, Mr. David Carnegie of Kinnaird, Sir William Stewart of Traquair, Sir John Carmichael of that ilk, and Mr. George Young, archdean of St. Andrews, secretary-depute. Argyll, about this time, had some design of travelling abroad, and shortly after obtained a safe-conduct from England, which may account for his not being continued on the commission.[2]

The same powers were given to these commissioners as were enjoyed by the former. There was, however, this difference, that the Octavians were appointed for life, while these were to hold their appointments merely during his Majesty's will and pleasure. Walter, commendator of Blantyre, lord high treasurer, was also alone *sine quo non.* He is charged by Spottiswood with having been mainly instrumental in bringing about the resignation of the Octavian commission. It is possible that he considered the powers given to it were an encroachment upon his proper work as treasurer of the kingdom, and on this account set himself to secure its collapse. Whether this be so or not, in this new commission he obtained the principal place, and much of the power that was formerly wielded by the Octavians was now given to him. He was to be answerable only to the king and the Estates of the realm, while no meeting of the commission was valid unless he was present.[3] Whether the management of the Exchequer under the new arrangements was as successful as before, it would be difficult to say. This commission does not appear to have been regarded with the same suspicion as its predecessors. It continued until 29th June 1598, when an Act of Parliament was passed discharging all commissions of Exchequer granted heretofore to any persons whatsoever, and each officer of State connected with finance was made personally responsible to the king.[4]

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[1] An Abstract of this commission is given in an MS. volume entitled "Miscellaneous Tracts and Notices of the Sixteenth Century," at Melville House, Fife.

[2] Calendar of State Papers relating to Scotland, vol. ii. pp. 731, No. 34; 732, No. 41; 733, No. 43; 734, Nos. 52 and 56.

[3] Books of Sederunt of the Lords of Council and Session, iv. 1596-1608, part II., folios 217-219.

[4] Acts of the Parliaments of Scotland, vol. iv. p. 165.

Chapter Fifth.

THOMAS HAMILTON AS LORD ADVOCATE, ETC.

1596—1603.

In the course of the year 1596, Thomas Hamilton took an active part in other important matters besides those referred to in the preceding chapters. In addition to the share he took with his fellow privy councillors in the government of the country he had his own special duties as Lord Advocate to discharge. To give an account of all the criminal cases in which, as public prosecutor, he was engaged, would be to write a history of the criminal procedure of the period, but a few representative cases in this and the following years may be noticed as illustrative of his work.

Of those cases conducted by him before the high court of justiciary, one of the earliest and most important is that of Agnes Sinclair, Countess Dowager of Errol, who, on 29th May 1596, was charged with resetting and intercommuning with Francis Stewart, Earl of Bothwell. The king's antipathy to this ambitious nobleman was strong and unrelenting. About a year previous to this prosecution, Bothwell, after lurking for some time in the north, had fled to France, and James, on learning this, pursued him more rigorously than ever. He denounced the earl as a traitor, and demanded from the French king either his extradition or banishment from France. In the end of November he brought Bothwell's countess to trial for alleged communications with him, and now he pursued the Dowager Countess of Errol for a similar offence committed since the earl's forfeiture, and especially since he passed forth of the realm. In this trial both Thomas Hamilton and William Hart, as king's advocates, were prosecutors. The king's resentment against Bothwell being well known, no advocate would undertake the defence for the countess, unless instructed to do so by the Privy Council, but on her application warrant was given permitting certain advocates to conduct her defence. The relevancy of the indictment turned chiefly upon whether the receiving of letters from the Countess of Bothwell, and John, Master of Caithness, asking assistance in money for Bothwell, and not revealing the same, was treason, even where, as was averred, the letters when received were torn and the contribution asked for was withheld. It was alleged for the prosecution that the knowledge of treason and concealing thereof was itself treason; and for the defence that the desire of support by Bothwell's friends could not infer treason on the part of those from whom the support was asked, unless it was given. Beyond this discussion upon the relevancy of the indictment, there is no evidence of any further procedure in the case, and apparently no decision was pronounced. Pitcairn, who gives details of the discussion, after stating that the justices continued the case to the last of May, and then to the 2d of June, adds that no further entries are contained in the record.[1] Probably the king's enmity had cooled. If so, the case is one of many illustrations of the inconstancy of the king's mind.

In August of the same year 1596, a trial conducted by the lord advocate, and which terminated in capital punishment, affords material for contrasting the freedom of speech permitted in the present more tolerant times with the narrow limits assigned to it in Scotland in earlier days. The case referred to is that of John Diksoun or Dickson, an Englishman, who, on 3d August, was charged with uttering calumnious speeches against the king. Dickson appears to have been a boatman. On the 25th of July, a Sunday, and ten days before the trial, he had been requested by one of the king's cannoniers to veer his boat so as to make way for his Majesty's ordnance. To this he made the blunt reply that " he wold nocht vyre his boit for king or kasard," adding that the king was "ane bastard king," and that "he wes nocht wordie to be obeyit." For this speech, spoken, as was owned, when in a state of intoxication, Dickson was sentenced to be hanged on a gibbet near the market-cross of Edinburgh.[2]

A few days later a case was brought before the court illustrative of the lawlessness of the people in the north of Scotland, and of the way in which the feudal jurisdiction of the great lords could be used to screen offenders. Similar instances were of frequent occurrence not only in the Highlands, but throughout Scotland during the reign of King James the Sixth. In this case William Mowat, in Turriff, servant to Alexander Hay, eldest son to Andrew, Earl of Errol, was charged with going with convocation of the lieges in warlike manner, with "lang culveringis, dagis, and pistolletis," to the place of Ludquhairn, and there besieging William Keith of Ludquhairn, entering by force and taking him prisoner, as well as taking away his whole plenishings and writs, and detaining him in the place of Ardmakhorne for eight days. The lord advocate, acting for the Crown, produced the usual warrant from the king authorising the court to proceed with the trial. Another warrant from the lords of session to the same effect was also produced in answer to the petition of the laird of Ludquhairn, who represented that thirty or more persons had been summoned for trial under the same charge. These included five servants of the Countess of Errol, Alexander Hay, eldest son of the Earl of Errol, several persons of the name of Hay, and James Butter of Gask, none of whom appeared in court to answer to the summons. The petitioner shows that the Duke of Lennox intended to claim jurisdiction over all these persons on the ground of his having a commission of lieutenancy within the bounds of the north; that he, the laird, was unable to pursue them, because of their number, and because one of the principal aggressors was related to the deputy of the lieutenant; and further, that the justice-general refused to proceed in the case unless compelled.

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[1] Pitcairn's Criminal Trials, vol. i. pp. 366-370.

[2] *Ibid.* p. 385.

At the trial the Duke of Lennox was represented by a procurator, who produced the commission referred to, and also letters from the king and Council, dated in March preceding, discharging the justice-general and advocate to proceed against any person within the bounds stated in the commission. The lord advocate replied that what was alleged was met by the king's express warrant to the contrary, and by the deliverance of the Council, and also by the fact that the duke's commission was discharged and renounced.[1] The court, in terms of this pleading, decided against the parties summoned, and amerced those who had become cautioners for them in sums varying from one hundred to five hundred merks each. The parties themselves, or the principal persons among them, were denounced rebels, ordained to be put to the horn and all their moveable goods escheated. The case, however, was continued to the circuit court of Aberdeen.[2]

Another case of interest was the trial of John Campbell of Ardkinglas for the slaughter of Sir John Campbell, thane of Calder. It is to this trial that the letter, in the second volume of this work, from King James to the lord advocate, apparently refers, although it neither gives place, date, nor the names of the parties concerned.[3] The warrants given by the king to the lord advocate in criminal cases were usually explicit in these particulars. This letter, however, as well as the one following it, contains private instructions, and both are interesting as showing to what extent the king interfered in such trials.[4] Justice was not permitted to take an unfettered course; the king gave private orders to his advocate how he was to charge the assize, and he, in carrying out the wishes of the king, threatened and even terrified the jury. In these circumstances strict and impartial justice was impossible, and, as the records of the criminal procedure of the time show, the administration of the law in many instances vacillated with the fitful temper of the sovereign.

In the letter referred to, King James states reasons which, with other evidence, furnish ground for the presumption that it was written in connection with this particular case. The king reminds the advocate that the slain man was in his employment at the time of his murder, and that he was his ordinary servant. The laird of Calder answers this description. In a letter, dated 1584, addressed to his chancellor, treasurer and collector, regarding certain lands, the king speaks of the laird as at that time "our familiar seruitor," adding concerning him, "hauing takin him in our hand and under our mantenance as our awin familiar seruitor in that behalf quhome we will sie nawayis to be hurt or preiudgeit."[1] Probably the laird had remained in the royal service until the time of his murder eight years later, in February 1592.

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[1] The commission, which extended to the shires of Aberdeen, Banff, Elgin, Forres, Nairn, Inverness, and Cromarty, was renounced by the Duke of Lennox at Dunfermline, on 4th August 1596. [Register of the Privy Council, vol. v. p. 309.]

[2] Pitcairn's Criminal Trials, vol. i. pp. 388-390.

[3] Vol. ii. of this work, p. 68, No. 93.

[4] *Ibid.* p. 68, No. 94.

The slaughter of Calder, viewed in the light of what evidence is extant, was an act of some historical importance, and was not an ordinary murder. This will appear from the following statement of the circumstances under which the crime was committed. The lairds of Ardkinglas and Calder were both guardians to the young Archibald, seventh Earl of Argyll. Although united in this, they were divided in other respects. Ardkinglas is credited with having been jealous of the influence which Calder possessed over their pupil.[2] Perhaps it was on this account that they were of opposite political interests, Calder being allied to the party represented by the Earls of Argyll and Moray, while Ardkinglas was connected with the party of which Huntly was the recognised chief. Ardkinglas, as stated in the king's letter, was not the actual murderer, but he was "the deuisare and comandaire of the man that did it," who was a person of the name of MacEllar, whom he maintained after committing the crime, and rewarded with lands. In his confession, Campbell acknowledged not only that he took part in the murder of Calder, but that the act was the outcome of a conspiracy entered into by Huntly, and seven or eight other noblemen, for taking the lives not only of Calder, but also of Argyll and his brother. Ardkinglas afterwards revoked this confession; but his statements appear to have been true, as they were corroborated by the confessions of John Oig Campbell of Cabrachan, an accomplice in the crime, and of his widow, Margaret Campbell. MacEllar and John Oig Campbell were both executed.

The king made some show of zeal to have Ardkinglas punished by attempting to bring him to trial in 1593; but the powerful support which the accused received from his party had the effect of shielding him. A contemporary historian describes what took place on the occasion, the "chancellor" being then Lord Maitland of Thirlestane, who was an ally of Huntly, and an enemy to Calder and Argyll. "Upon Tuesday, the 19th of June, there was a great conventioun in Edinburgh, by reason of a day of law; Argile, the sheriff of Air, the Erle of Morton, Dowglas, and many with them, for the laird of Caddell's (Calder's) slaughter; the lairds of Arkinlesse, Glenurquhart, and many friends with them, defenders. The chancellor imployed his credit and moyen also for convening of his friends under colour of the said day of law, viz., Arbrothe, Montrose, Setoun, Livingstoun, Glencarne, Eglintoun, and sundry others, who all accompanied the Lord Hammiltoun on the streets. The king being informed that it tended to unquietness, commanded them to keep their lodgings, and after dealt with the chancellor to intreat them to depart in peace. The other faction, to wit, the Duke, Marr, Mortoun, Hume, Maister of Glames, Sir George Hume, Sir James Sandelands, Spynie, puffed up with the queen's countenance, who carried no good will to the chancellor, thought to bring in Captain James Stewart, called, *alias,* Lord Quondam, in hatred of the chancellor. The Lord Maxwell, the laird of Cesfurde, were not yet come, but were to come within three days. They were stayed. The rest were desired to depart. The chancellor himself also rode out of the town, accompanied with three hundred horse."[1]

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[1] Thanes of Cawdor, p. 191.

[2] Gregory's Highlands and Isles of Scotland, pp. 245-252, where the subject of the assassination is fully investigated.

Ardkinglas was brought before the court on 4th March 1596, and the assize was continued from day to day, though without any result.[2] On 29th March the bishop of Dunkeld, with other special justices, received a commission to try the case;[3] but this attempt also proved a failure. On the 17th September the same year, Ardkinglas was once more summoned before the court of justiciary. Twice an adjournment was made, and finally, as neither of the king's advocates appeared to prosecute, the justice deserted the diet, and ordained the cautioners of the laird to be relieved.[4] Huntly had at this time been permitted to return to Scotland, and either his party and those implicated in Calder's death were too strong for the king or his influence over James was too great.

Another criminal case belonging to this year may be stated. Like the preceding one, although in this instance without any apparent reason, it was allowed to drop. On 22d November, Lord Advocate Hamilton received a warrant from the king to prosecute Janet Garvie for the then common crime of witchcraft, the trial to take place the day following, the 23d instant.[5] There is no reference to this case on that date in the proceedings of the court of justiciary as given by Pitcairn. The absence of such information is no doubt to be accounted for from the fact that he had only the scroll-book of the court for this period, the proper register of the proceedings being lost. Nearly a month later, on the 13th December, the case was brought into court, but was never proceeded with. As no assize had been summoned, the diet was deserted.[6]

It was during November, and the first half of December, that Lord Advocate Hamilton was much occupied with the proceedings taken by the Privy Council against Mr. David Black, which have already been noticed in an earlier chapter. The famous tumult of 17th December 1596, previously narrated, also gave rise to various actions at the instance of the Crown against citizens of Edinburgh and others, but these need not be specially detailed.

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[1] Calderwood's History, vol. v. p. 253.

[2] Pitcairn's Criminal Trials, vol. i. p. 363.

[3] Gregory's Highlands and Isles of Scotland, p. 251.

[4] Pitcairn's Criminal Trials, vol. i. pp. 391, 392.

[5] Vol. ii. of this work, p. 69, No. 95.

[6] Pitcairn's Criminal Trials, vol. ii. p. 1.

But while King James was pressing forward such trials, and otherwise engaging himself in humbling the Church of Scotland and the burgh of Edinburgh, there were not wanting manifestations of strong feeling on the part of some of his subjects at the course he was pursuing, and it shows how far Hamilton was recognised as an agent of the king's policy that he also was included in the public censure. The evidence of this is to be found in a pasquil sent to the king by one of the Presbyterian ministers. The way in which this famous document reached the king is thus related by Calderwood:—"Upon the same Moonday," the 10th of January 1597, "at night, there was a letter convoyed in to the king after this maner. Johne Boge, maister porter, standing at the gate of the palace at five hours at night, in the twilight, there came to him one, and said, 'Sir, I have met with you weill, for I was seeking you; for I have a letter unto you from the minister of Kilconquhar, in Fife, who, as ye know, is heavilie vexed for the king's sake, and deprived of his office. He hath sent me unto you with this letter unto yourself, which ye sall read, and deliver it unto the king's majestie, that the king may know more than he knoweth; and I sall come to you the morne, and seeke an answere.' John Boge receaved the letters, and his owne; presented the other when the king was going to his supper. The king opened it immediatelie, and read it; but raged so, that he could eate no meat that night for anger."[1]

The letter, which is a long one, is principally directed against the king, and against Lord Advocate Hamilton, with other three councillors, who are accused of exercising a malign influence upon the king and the government of the country. The writer says:—"Wise men say that the strenth of Scotish kings standeth not in the strenth of foure papists and godlesse counsellers which as now yee have, but it standeth in the good affectioun of the subjects' hearts." Referring to the king's treatment of the ministers of Edinburgh, he asks for them a fair trial, "but," he proceeds to say, "that cannot be whill anie of this unhappie counsell remaineth, these foure I meane that are in authoritie. Moreover, sir, these men (say they) are so universallie hated, by reason of the course wherin they have brought your Majestie, in shaiking loose both kirk and commoun weale, that good men suspect that part is not in the land where platts and courses will not be layed against them, and executed according to men's power. And, in a word, sir, men thinke that whill these men have your eare, your Majestie sall never looke for peace to your Majestie's owne crowne, person, estat, commoun weal and religioun, seing they take their standing to be in disturbing all maters. . . .

"The secund fountane, ground, and motive of this storme [is] the default of your unhappie counsellers that are presentlie about you, who, once after they had come to preferment, *per fas et nefas*, secreitlie, directlie, or indirectlie, have sought their owne standing, without care or conscience of the weale of anie man whatsomever, whose infamous names, I am sure, sall remaine to all posteritie and age, to their ignominie; I meane that Romanist president,[1] a shaveling and a preest, more meete to say masse in Salamanca nor to beare office in Christian and reformed commoun weales, Mr. Johne Lindsay, a plaine mocker of religioun, Mr. James Elphinstoun, a greedie and covetous man, a preest, without God, religioun, or conscience, as his godlesse doings can testifie, and the interteainement of that excommunicated, forefaulted, bloodie tratour, Huntlie, in his hous; and Mr. Thomas Hamiltoun, brought up in Parise with that apostat, Mr. Johne Hamiltoun, and men say the dregs of stinking Roman professioun sticke fast to his ribbes. And, alas! sir, it is to be lamented that ever suche a prince, to whom God has givin so manie notable gifts of knowledge, sould suffer yourself to be led with suche foure malicious counsellers, whose attempt, I hope, yee sall curse one day. These men seing your Majestie's inclinatioun, which is over inconstant in good purposes, accompt you as a facile one; and they, seing the ministers sore in rebooking sinne in whomsoever, have concluded their standing and securitie to be in casting the whole policie als weill civill as ecclesiasticall lawes. For, sir, in judgement justice is bought and sold, as I could prove by sindry instances, and the ecclesiasticall policie is so farre persecuted, that without great danger nather can pastors discharge their spirituall offices, nor professors concurre. And, sir, I pray your Majestie consider the degrees of thir men's preferment. First, they were admitted upon the sessioun; secundlie, to be handlers of her majestie's living; thridlie, of your majestie's revenues and rents; fourthlie, to the administratioun of the whole commoun weale, which, how it is guided, let God and everie honest man record. Alwise for thir men, we say the Lord reward them according to their workes, and meete them according to their demerits; *sed interim patitur justus*."[2] This attack on Hamilton will be again referred to, as the accusation of leaning to Roman Catholicism was more than once made against him, and he continued to be looked upon by the Presbyterians as one of the chief causes of their troubles.

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[1] Calderwood's Historie of the Kirk of Scotland, vol. v. p. 539.

Calderwood attributes the authorship of this epistle to the minister of Kilconquhar, in Fife, but the identity of the writer with any one known to be connected with the church of Kilconquhar at this time is not clearly apparent. The minister of this parish from 1594 to 29th July 1596 was John Rutherford. He was charged with not attending to the duties of his office, and confessed that he was the author of an "infamous and godless lybel," written against Mr. David Black, minister of St. Andrews, for which he was deposed from the office of the ministry. He was reponed on 23d

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[1] Alexander Seton, afterwards Earl of Dunfermline, and president of the court of session.

[2] Calderwood's Historie of the Kirk of Scotland, vol. v. pp. 542-549.

June 1597, but was not acknowledged by his co-presbyters, and was, with his own consent, afterwards released from his charge. It will be seen from these facts that on 10th January 1597 the church of Kilconquhar was without a minister. A recent writer, evidently founding upon the statement in Calderwood's History that the author of the letter was the minister of Kilconquhar, assumes that John Rutherford is the person referred to, and proceeds to disparage the letter upon the ground of his known antecedents.[1] But there is no evidence to connect him with the letter in question. The style, contents, and design of the letter are altogether opposed to what is known of Rutherford, who, according to Calderwood, purchased friendship at Court by calumnies forged upon Mr. David Black and his ministry, and hated the faithful servant of God, because he was a great eyesore to negligent, loose, and unfaithful ministers, of which number he was one.[2]

The following entry in the Register of the Privy Council, of date 23d February 1598, throws some light upon the authorship of the letter—"Johnne Ros, minister, son of Johnne Ros of Cragy, having failed to appear this day as charged, to answer 'concerning the infamous libell and pasquill maid and writtin be him and at his command, and be his causing and directioun deliverit to Johnne Boig, his heynes maister portair,' upon day of 1596, is to be denounced rebel."[3] This John Ross, and young ministers in general, in 1594, upon the complaint of the king, and, "in respect of the hard delyverie of speeches spoken of his Majestie" by him before the provincial synod of Perth, were admonished to speak reverently and discreetly of the king in time coming.[4] The king, considering the discipline of the Church too lenient on this occasion, summoned Ross before the Privy Council; and a comparison of the statements made by him in the course of his examination there[5] with the letter written at this time materially strengthens the supposition that he was the author of the letter. A contemporary history of this period states that John Ross, in 1594, was "then minister (bot not ordinar) at St. Johnistoun," and adds that the Council, in the same year, decerned him to be banished from the realm.[6] Later, however, he figures in events which transpired in Scotland; and he may have had temporary charge of the parish of Kilconquhar during the period Rutherford was under discipline, but this is not certain.

On the 22d of February 1597 a decision of some importance, in which Lord Advocate Hamilton was personally interested, was come to by the lords of session. When he was appointed to the office of lord advocate he still continued to be one of the senators of the College of Justice. The conjunction of these two offices in one person was at that time, and until 1677, sanctioned in Scotland. Sir John Nisbet of Dirleton, who in that year resigned the office, was the last who held the appointment of lord advocate with a seat on the bench. In the present instance some of the inconveniences arising from the union of these offices in one person led to objections being taken to Lord Advocate Hamilton acting at the same time as prosecutor and judge. The matter was dealt with on the date above stated in connection with actions relating to the collectory and new augmentations. It was alleged that, as he was a party in these causes, and especially in the actions concerning the Church lands annexed to the Crown, he ought not to vote in such causes, but to be removed during the voting and deciding of them. It was also averred that it was a novelty for the lord advocate to act in this twofold character of prosecutor and judge; that since the erection of their offices, the collector and the treasurer of new augmentations had always had special advocates appointed to take charge of the causes belonging to their office, to whom they assigned ordinary fees, which had always been allowed to them in his Majesty's accounts; and that in these cases the king's advocate had sat, voted, and judged as one of the ordinary senators of the College of Justice. The decision was, that in all time coming Mr. Thomas Hamilton of Drumcairn, then lord advocate, and all others succeeding him in that office, being ordinary lords of session, should in no wise be reputed or held parties in the said actions by occasion of their office; but that he and they should judge, vote, and determine in such causes, unless in circumstances in which any other judge might be reputed a party.[1]

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[1] Mr. Seton's Memoir of the Earl of Dunfermline, pp. 31-35.

[2] Calderwood's Historie of the Kirk of Scotland, vol. v. p. 647.

[3] Register of the Privy Council, vol. v. p. 445.

[4] Booke of the Universall Kirk of Scotland, pp. 409-411.

[5] Calderwood's Historie of the Kirk of Scotland, vol. v. pp. 300-306.

[6] Historie of King James the Sext, pp. 315-325.

It was part of the punishment meted out to the metropolis in connection with the tumult of 17th December 1596, that the law courts should be removed to some other place. In the month of February following the high court of justiciary sat at Leith, and the lord advocate attended there as prosecutor in cases which arose out of the tumult. During the first week of March he also attended at Perth at the Convention of Estates appointed to meet there. At this Convention he was appointed a member on two commissions. Of these, one was to meet in Edinburgh on the 1st of April following, and conclude on the proportion and circumscription of a new coinage to be issued; the other concerned the payment of the customs due from all exports, and the home-bringing of bullion for the Mint.[2]

Lord Advocate Hamilton was, on 4th May 1598, nominated one of ten commissioners to treat of matters concerning the Isles, and to devise means whereby an Act of Parliament, dated December 1597, could be carried into effect. This Act is entitled,

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[1] Books of Sederunt, vol. iv. part II. fol. 220.

[2] Acts of the Parliaments of Scotland, vol. iv. p. 113.

" Anent the bigging of Burrowes Tounes in the Iles and Highlands," and provided that for the better entertaining and continuing of civility and policy within the Highlands and Isles three burghs should be erected in Kintyre, Lochaber, and Lewis respectively, possessing all the privileges which were commonly given to other burghs.[1] The Highlands and Isles had long been a source of much trouble to the Government. This was an attempt to reduce them to the king's obedience, and to have justice and quietness established among them.

At a Convention of Estates, which met at Holyroodhouse on the 14th December 1598, King James dissolved the Privy Council, and appointed a new one in its room. It appears from the Act that confusion had arisen from the indefiniteness of the constitution of the Council, and from the excessive number of councillors. The new Council was to consist of thirty-one members, of whom the lord advocate was to be one. The new Council was ordained to meet every Tuesday afternoon for treating on matters of State, and every Thursday afternoon for hearing complaints and calling of actions competent to them. Councillors were to have power, as such, wherever they were, to charge rioters to enter in ward and to discharge convocations of the lieges.[2]

In the spring of 1599 several changes of office took place, with which the lord advocate was more or less officially connected. Thus he was present and took formal instruments on behalf of the Crown when Walter Stewart, prior of Blantyre, who had given offence to the king by favouring Mr. Robert Bruce, one of the ministers of Edinburgh, when deprived by the king of a pension out of the rents of the abbey of Arbroath, was compelled to demit his office of treasurer.[3] John, Earl of Cassillis, succeeded the prior as treasurer, but did not retain the office many weeks, being superseded by Alexander, Master of Elphinstone. Another officer, Sir George Home of Wedderburn, was a week later deprived of the comptrollership. Various entries in the Privy Council records show that he was several times in the month of February charged with neglect in furnishing the king's household, and at last was denounced rebel for not appearing when summoned by the Council. The lord advocate was employed to raise letters against him, but the comptroller still failed to appear, and he was, on 26th April, dispossessed of the office.[4] Sir David Murray of Gospertie, afterwards of Scone, was his successor.

A letter by the king addressed to the lord advocate on the 6th of May from Stirling Castle has reference to the deposition of another official, Sir Thomas Lyon of Auldbar, formerly known as Master of Glamis, who had been treasurer before the advent of the Octavians to power, but was deprived by them of the office. After this, unless in a few of the sederunts of Council, his name is very little associated with public affairs.[1] Instructions were now given to the lord advocate to have the Master of Glamis deprived of his place as a lord of session—the only remaining appointment then held by him. The letter, which gives the reasons of the king for taking this course, sets forth that "Sir Thomas Lyoun of Auldbar, knycht, iustlie merites to be depriuit of his place in Sessioun for twa sundrie caussis—ane becaus of his not residence, and the other in respect of his sa lang and contemptuous lying at our horne at the instance of sindrie pairtys, quhais enjoying of sic a place in the chieff iugement seate of our realme carying a great sklander, we haue thoght meit that vpoun they tua reasonis, or sic vtheris as ye be aduise of our thesaurare can invent, deuise a summondis be formalie peunit, intentit, and put in executioun aganis him for his deprivatioun, with all convenient diligence; and heirwithal that his escheat and lyverent be disponit, a summonds be intentit for obtening of ane declaratour thairvpoun. Quhilk committing to your deliberatioun, cair, and diligence as ye will do ws speciall gude seruice, we commit yow to God."[2]

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[1] Acts of the Parliaments of Scotland, vol. iv. p. 139 ; Register of the Privy Council, vol. v. p. 455.

[2] *Ibid.* pp. 499, 500. The list of names includes thirty-two councillors.

[3] *Ibid.* p. 550, 17th April 1599.

[4] *Ibid.* pp. 550, 551.

On 7th November 1599 a remedial measure was passed by the lords of council and session in connection with the antedating of summonses, and obtaining them without warrant of the lords, but only directed in the name of the lord advocate as pursuer. The facility with which these were obtained had led to flagrant abuses. Persons were frequently cited for causes of a purely fictitious character, the purchaser of the summons never intending to follow it out, and not even notifying his interest in it to the lord advocate. This injured the parties summoned, they being prejudged by the cause wrongously brought against them. The lords of council considering the great detriment and hurt the king's lieges incurred through these abuses, ordained that all summonses which should be directed or raised in the name of the lord advocate for the king's interest in time coming, should pass and be granted by bills delivered and subscribed by them and the lord advocate, and they discharged all writers to the signet from framing and writing any summons and the keeper of the signet from affixing the seal thereto without such subscription.[3]

In the two years preceding the succession of King James to the throne of England, and his departure from Scotland, Lord Advocate Hamilton served upon at least seven important public commissions. On 1st April 1600 he was one of a commission appointed to report upon the best methods for promoting the manufacture of cloth in Scotland, the condition of which at this period was far from satisfactory. Cloth was largely imported into Scotland from England and other countries, while Scotch-grown wool was for the most part carried out of the country. Only a very limited amount of cloth was made in the country, and of somewhat inferior quality, which was due partly to the unskilfulness of the Scotch in this manufacture, and partly to a national prejudice which precluded foreigners experienced in the work from setting up cloth factories in the country. Thus, not only were the people deprived of a valuable means of employment, but they had also to pay large prices for imported cloth. The government were quite alive to the great national interests involved, and acts were passed by the Council containing stringent provisions for the imposition of custom duty on all cloth imported, the retention in the country of all home-grown wool, and the prevention of the importation of English-made cloth, which, although of good appearance, was wanting in substance and strength. Further, the payment accepted for it was not merchandise, but gold and silver, and the precious metals were thus gradually taken out of the country to the detriment of the mint.

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[1] On 30th January 1598 he was permitted to remain away from court "in respect of his greet deseis notour to the Lords." ["The Senators of the College of Justice," p. 205.] The last meeting of the Privy Council which he attended was on 18th May 1598, just a year before the date of the king's letter to the lord advocate.

[2] The Melros Papers, vol. i. p. I.

[3] Book of Sederunt, vol. iv. part II. folio 271.

The remedies proposed, although in the right direction, were not sufficiently far-reaching to meet the case, and others had therefore to be devised. A supplication given in to the Council by a cloth-maker, named John Sutherland, upon the abuses and imperfections of home-made cloth and the prevention of these, led the government to other and more successful legislation on the subject. The first step was the appointment of the commission already referred to, who were to report at a Convention of Estates appointed for the 20th of June following.[1] Whether their report was presented on that date does not appear, as the Convention itself was suddenly dismissed by the king, who was displeased with its proceedings; but on 1st July an Act of Council was passed, which was probably the outcome of the deliberations of the commission. This Act held out inducements to foreigners, being cloth-workers, to the number of one hundred families, to come to Scotland and carry on their trade. They were to be allowed a minister to preach to them in their own language, provided that he agreed with the religion then professed in the land. The master of each family was to be naturalised, and made a free burgess of the burgh in which he resided, immediately after arrival, while to compensate for the charges to which they would be put in transporting themselves to this country, they were to be exempt from all taxations and public burdens for a period of ten years.[2]

A year after the passing of this Act, cloth-workers from abroad had been brought to Scotland, as on 24th July 1601, "the strangers lately brought home for making of the cloth" complained to the Privy Council that they were not entertained, nor put to work, and that they were separated from one another. The Council, anxious for the success of their scheme, ordained that they should be kept together within the burgh of Edinburgh, and put to work there. Until this was done, they were to be at liberty to work where they pleased, and were to receive entertainment in meat and drink from the bailies of Edinburgh, at the expense of the other burghs of the realm. On 17th November a second commission was given to John, Earl of Montrose, chancellor, the lord advocate, and others, to confer with the Edinburgh bailies and the strangers imported for the manufacture of cloth, that the work might be brought to full perfection, and also to settle any differences between the parties, so that there should be no occasion for complaint on either side. From the terms of a complaint by the cloth-makers, it is ascertained that, by the beginning of 1603, the manufacture of cloth in Scotland had made good progress and was flourishing.[1]

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[1] Register of the Privy Council, vol. vi. p. 98.

[2] *Ibid.* pp. 123, 124.

On 20th April 1600 Lord Advocate Hamilton received the king's commands to attend upon him at Holyroodhouse on the day following, for such causes as he would know at meeting.[2] The Privy Council did not meet on 21st April, and there is no information of any other official meeting appointed for, or held on that day. It is therefore probable that the king's summons has reference to a private meeting with his advocate, but for what purpose has not transpired. On the day following another royal missive was written to the lord advocate, again requiring his presence at the palace. This letter refers to a meeting of the Privy Council appointed for Thursday the 24th instant for treating of the West Border. On that day, however, the subject was not discussed, but it was proceeded with on the 30th April, the day on which the Council next met. The sederunt of this meeting is not given; but there can be little doubt that in deference to the king's expressed desire, contained in a letter to himself,[3] the lord advocate was present, and assisted in the settlement of this troublesome question. From various entries in the Privy Council register it appears that the West Border was in a more troubled condition than either the East or Middle Borders. The principal noblemen and barons in that part of the country were at deadly feud with one another, and constant intervention on the part of the Privy Council had been found necessary. These feuds were in the month of November preceding declared to be the chief and only cause of the misrule and dispeace on the West Border.[4] The feud between the Maxwells and Johnstones was more vindictive than the others, and had occupied the serious attention of the Council for some time to little purpose, but on the date now referred to the tutors and curators of Lord Maxwell were charged to subscribe such form of mutual assurance as should be presented to them. If Lord Maxwell refused to sanction this arrangement, he was ordained to find caution for £10,000 that he would depart the realm within forty days, and not return without the king's licence.[1] Although this action of the Council was not without effect upon the Maxwells and Johnstones, the feud between them was not settled, and when fitting opportunity arrived, it again raged as fiercely as ever.

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[1] Register of the Privy Council, vol. vi. pp. 274, 309, 520, 521.

[2] Vol. ii. of this work, p. 69, No. 96.

[3] The Melros Papers, vol. i. p. 2.

[4] Register of the Privy Council, vol. vi. p. 46.

At the close of the year Lord Advocate Hamilton was one of a commission appointed to value the benefices of Coldingham and Jedburgh. These abbacies had been granted by the king to Alexander, Lord Home, who now complained that the rents of the spirituality of the benefices were not sufficient to sustain and pay the heavy charges of the old assumed third. Since the first valuing of these benefices the temporality belonging to them had been annexed to the Crown, and out of the spirituality many deductions had been made, such as pensions and portions to evicted monks. The Estates of Parliament, before whom the matter came, ratified the gift and provisions of the abbacies to Lord Home, and, as already stated, appointed a commission to make a "new just third" of the free duties pertaining to them.[2] The valuation made by the lord advocate and the other commissioners did not give satisfaction to the ministers of the churches, as on the 22d January 1601 a complaint, in name of the ministers, was given in to the Council by commissioners from the General Assembly, who alleged that the new third was not a sufficient stipend for the ministers. The king and Council disposed of the petition in a manner favourable to the Church. With the consent of Lord Home, they secured to the ministers the enjoyment of their usual stipend, notwithstanding the alteration which had been made, and they engaged that the king would take order for the future to have the particular stipends conformed to the old third.[3]

Since his appointment as treasurer in 1599, Alexander, Master of Elphinstone, had exercised his office without being trammelled by judicially imposed restrictions, but on 31st July 1601 King James, alleging the daily increase of the work of the treasurer, and his own care that the casualties of the office should be profitably used, appointed a committee of seven, of whom the lord advocate was one, to assist the treasurer. The treasurer was no longer to compone signatures, or any other casualty connected with the treasury, without the consent of the lord advocate and his colleagues;[4] but their appointment was followed by the resignation of the treasurer before 22d September.

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[1] Register of the Privy Council, vol. vi. p. 105.

[2] Acts of the Parliaments of Scotland, vol. iv. p. 244. 11th November 1600.

[3] Register of the Privy Council, vol. vi. pp. 199, 200.

[4] *Ibid.* p. 276.

Spottiswood alleges that the former was the reason of the latter.[1] But whatever feelings the treasurer had with regard to the new arrangements, it was at the king's special request and desire that he resigned his office.[2] One reason that may have inclined the king to this ministerial change, as well as to adopt the provisions which have been stated, was the large sum of £41,000 of surplus expenses due to the treasurer at this time.[3] The surplus expenses of Walter, Lord Blantyre, who held the office of lord high treasurer before the Master of Elphinstone, had not yet been paid, and with this ever-increasing debt, King James must have been desirous to obtain the most frugal management of the revenue. At the same time it is possible that the king had other ends in view in making these changes. By the 2d of October, Sir George Home of Spott, afterwards Earl of Dunbar, had been chosen successor to the late treasurer.[4] Sir George was master of the king's wardrobe when he received this new appointment, and from this period his promotion was rapid. He was in special favour with the king, but for some reason was disliked by the queen. By the king's efforts, however, a reconciliation had just before this been brought about between them.[5] Lord Advocate Hamilton and other commissioners, who were known to be well affected to the king's service and ready to give their attendance, were on the last-mentioned date appointed to assist the new treasurer in the discharge of his office.

The next notice of Lord Advocate Hamilton is in connection with the College of Glasgow. There had been considerable altercation between the magistrates of the city of Glasgow and the "masters"[6] of the college there, respecting the management of the college revenues. The exact position taken up by the parties at variance is not apparent, but the increasing animosity between them appears to have been such that the quiet of the city and the welfare of the college were seriously endangered. In these circumstances the king judged himself called upon to interpose as a peacemaker, and upon 29th June 1602, appointed a commission, consisting of twelve persons, of whom Lord Advocate Hamilton was one, to inquire into and report upon the dispute.[7]

The commission convened at Glasgow on 25th August. Two days later they issued their report in two parts, one of which dealt with the rations of the masters and bursars, and the other with the management of the college revenues. There were to be two tables provided, one for the "five masters," the other for the bursars. The rations respectively allotted to these tables differed in some respects. At the same time, although the revenues of the college were inconsiderable, there was no parsimonious stinting of food either to the professors or bursars. For breakfast, the professors were provided with a pound of wheaten bread in a soup, with what remained of beef or mutton from the former day, and a pint of ale[1] among them completed the course. For the same meal the bursars had, on "flesh days," "thrie and thrie, ane ait laif in a sowpe, quhairof thair salbe aucht scoir in the boll." The dinner of the professors consisted of wheaten bread, five "choppins" of ale of better quality than the common ale of the town, a dish of "bruise" (brose), another of "skink or kaill;" then mutton and beef, salt or fresh, a roast of veal or mutton, with a fowl or "cunyng" (rabbit), or a pair of doves or chickens, or another roast. The dinner of the bursars consisted of two oat loaves among four, a dish of "kail or bruise," a piece of beef, and a quart of ale. Supper, in keeping with the other meals, was to be provided for both professors and bursars. The fare on "fish days" was the same as on other days, except that fish and eggs were substituted for beef and mutton.

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[1] Spottiswood's History of the Church of Scotland, vol. iii. p. 101.

[2] Letter, James Hudson to Sir Robert Cecil, August 6, 1601; Thorpe's Calendar of State Papers, Scottish series, vol. ii. No. 92, p. 801.

[3] Register of the Privy Council, vol. vi. p. 287.

[4] *Ibid.* p. 292.

[5] Correspondence between George Nicolson and Sir Robert Cecill and others in Thorpe's Calendar of State Papers, Scottish series, vol. ii. Nos. 83. 91, 92, pp. 800, 801.

[6] The "masters" of the college at this date were Mr. Patrick Sharpe, the principal; and Messrs. John Cameron, Archibald Hamilton, Michael Wallas, and Robert Scott, regents.

[7] Register of the Privy Council, vol. vi. pp. 408, 409.

The other portion of the report specifies the working staff of the college which was to be allowed. There were to be a principal and four regents; an æconomus, who was to have in charge the rents and disbursements of the college; a cook, porter, and servant to the principal, with a pantryman. The porter and the pantryman were to be chosen from among the bursars, who were to be eight in number. The method of appointment, the salary, and some other particulars relating to these officials, are stated, as well as the arrangements for auditing the accounts. Lord Advocate Hamilton and other five members of the commission subscribe their names to each of the two portions of the report.[2] On 29th August the king, under his sign-manual, gave his sanction to the report, and ordained it to be put in force. He also ordered copies of it to be delivered to the provost and bailies of Glasgow, and to the principal and regents of the university there, "that they pretend no ignorance."[3] On the following day an æconomus to the college was appointed, named William Stirling, who entered into a bond that he would perform all the duties of his office.[4]

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[1] Equal to three pints of Imperial measure.

[2] Register of the Privy Council, vol. vi. pp. 452-454.

[3] Register of the Privy Council, vol. vi. p. 454.

[4] *Ibid.* p. 455.

Chapter Sixth.

THE COURT OF SESSION IN THE TIME OF LORD DRUMCAIRN.

1587—1625.

A few pages may be devoted to a notice of the College of Justice, or court of session, with which Lord Advocate Hamilton was so long connected, and of which for ten years he was president. As is well known, it was instituted in the year 1532 by King James the Fifth as the supreme civil court of Scotland. Previous to that date the administration of justice in civil causes was carried on by parliamentary committees chosen from the three Estates, a method of dispensing justice which was found unsatisfactory, as persons very unqualified for exercising judicial functions were frequently placed upon these committees, and the changing of the judges every year necessarily gave rise to many inconveniences. The new court, which provided a great and much needed improvement in judicial administration, consisted of fifteen judges or senators, ordinary lords of session, "cunning and wise men," seven being chosen from the spiritual estate, and the same number from the temporal estate, with a president. In addition to these, there were appointed several extraordinary lords of session, it being provided by the statute that these should not exceed "three or four" in number. There were, however, frequently seven or eight of them at one time. It was also provided that the chancellor of the kingdom, when present, should be recognised as "principal" of the court.[1]

Acts of Parliament were occasionally passed relating to the court of session, some of which, about the time of Lord Drumcairn's admission, may be noted. Previous to 1579, it was required that the president of the court should be a churchman, but in that year it was enacted that he might be of either the temporal or spiritual estate. Formerly judges were admitted to office without any examination, but simply upon their presentation by the king, and taking the oath of office; now, no one was to be received until he was found by the other senators to be qualified for the office—a change which gave more power to the court, and served as a check to abuses.[2] Another Act, dated 1584, declared ministers to be disqualified from becoming judges.[3] Several years later, on complaints by the court that young men, without gravity, knowledge, or experience, were nominated as senators by the king, it was ordained by Parliament that those only should be presented as judges who were God-fearing men, of good literature, understanding the laws, possessed of sufficient living, and who could make good expedition in matters touching the lieges. Presentees were to be sufficiently tried by the lords of session. They were to have, in annual rent, a thousand merks usual money, and to be twenty-five years of age.[1] These provisions were enacted in June 1592, and were in force when in the month of November following Lord Drumcairn was enrolled as one of the lords of session.

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[1] Acts of the Parliaments of Scotland, vol. ii. pp. 335, 336.

[2] *Ibid.* vol. iii. p. 153.

[3] Acts of the Parliaments of Scotland, vol. ii. p. 294.

The lords of session had also an intrinsic power to make regulations regarding their own procedure. So early as 1540 they passed acts of sederunt regulating their attendance, punctuality being particularly insisted on. At the time of its first institution, the court sat at the early hour of eight o'clock in the morning, and continued sitting till eleven o'clock in the forenoon. At the former hour the court bell was rung, and while it was ringing one of the ordinary clerks of session wrote the sederunt. When the bell ceased the book was handed to the president, who, with his own hand, closed the sederunt by writing the words "*una cum*." The clerk having the book returned to him inserted the names of those judges who thereafter came into court. The penalty inflicted on those whose names were thus distinguished was that they got "na pairt of the ordinar contributioun quott and sentence silver with the remanent lordis the tyme of thair division."[2] The discontinuance of the "*una cum*" in August 1591, appears to have proved detrimental to the virtue of punctuality in the senators, though the hour of meeting had then been changed to nine o'clock. As a remedy, however, they, on 17th June 1593, passed an Act reponing "*una cum*" in the minutes of sederunt, where, accordingly, it reappears after an intermission of two years.

The lords of session had likewise power to deal with abuses connected with admission to office. Two acts of sederunt, passed on 26th June 1593 and 18th May 1612, were both framed with this in view. The former prevented a judge from handing over his office to another person by resigning in his favour, and obtaining from the king a letter ratifying the transfer,[3] while the latter provided "that no lord of session shall sell his place, and that all that shall be admitted shall give their oath that they have not given money, nor are not to give money for the same."[4]

It was the practice of the court of session to conduct their proceedings with closed doors. Even the advocates were removed when the judges proceeded to

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[1] Acts of the Parliaments of Scotland, vol. iii. p. 569.

[2] This form of recording the attendances of the lords was similar to the "Attendance Books" which are in use in public offices in the present day. The abatements of salaries of the lords, who were irregular in their attendance, has a counterpart in the mode of remuneration to directors of banks and insurance companies. The best attenders are the best paid.

[3] Abridgment of Books of Sederunt in Haddington Charter-chest. Senators of the College of Justice, p. xli.

[4] Abridgment of Books of Sederunt in Haddington Charter-chest.

"disputation," though the privilege of a seat in the court was sometimes accorded to favoured individuals. On 27th November 1578, Sir Lewis Bellenden, justice-clerk, was thus "admitted to sit and hear the pleading of actions, and reasoning and voting in actions, by the lords in the inner-house," but on obtaining this privilege, Sir Lewis had to give his oath of secrecy.[1] The same liberty was granted, at the request of the king, by the court to Ludovic, Duke of Lennox, in November 1591, that the duke might obtain "better sight and knowledge of the affairs of the country, and manner of proceeding in civil causes," and that he might be the better fitted for discharging his duties in the admiralty, and as sheriff of Dumbarton, etc. It is expressly stated by the lords of session that the licence was given in respect of the king's declaration that he should not use this instance as a precedent.[2] Other cases of a like kind occur at considerable intervals. On 22d November 1583, a proclamation was issued that "no great men's causes proceed, but mean men's, until the 7th day of January."[3]

In 1610 the court of session made a strenuous effort at further reform by remitting to the advocates to meet among themselves and deliberate upon the best measures which would remedy divers abuses which existed among them. On the 17th November of that year they presented a report to the court, in which they acknowledge the care their lordships had for re-establishing the wonted glory of the seat of justice. The decay, they say, is so sensible and universal that it has more need to be cured nor enquired. And yet, as members of the same body resenting their own evils, they have all in one voice, by solemn promise and attestation, and by a singular manner, resolved, so far as in them lies, to cut off all occasions that the evil begun spread no further amongst them. They lament the contempt to which their calling as advocates is brought, so that the very name of an advocate had become vile, and suggest that an act should be made ordaining that no one be admitted advocate unless, after having passed his course of philosophy, he had studied law in some university for two years, and given satisfactory proof of his qualifications, or as an alternative to such a course of study, had been brought up with "old learned advocates" for seven years, and given proof of his ability. Other regulations are proposed in the report, with a view to the avoiding confusion in the calling of causes, the order for examining witnesses, and such like. The lords of session approved of the report, and ordained the articles contained in it to be inserted in their register as a record of their authority added thereto. In 1619, they passed an act of sederunt for the advancement of the library of the students in law, and another act for founding a professorship of laws.[4]

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[1] Abridgment of Books of Sederunt in Haddington Charter-chest.

[2] Books of Sederunt of the Lords of Council and Session, vol. iv. part I. fol. 79.

[3] Abridgment of Books of Sederunt in Haddington Charter-chest.

[4] *Ibid.*

The Books of Sederunt are the official records of the lords of council and session, and are preserved among the national records in Her Majesty's General Register House, Edinburgh. They contain the names of the judges who attended at each sitting of the court, the acts of sederunt passed by the lords from time to time, the dates of presentations and admissions to the various offices of the court, elections of presidents, appointments to offices of State, excuses for absence, dates of the deaths of the judges, and frequent references to the more striking events of the day. Sometimes important documents were also registered in them.

The volumes of the Books of Sederunt which are extant extend, with several blanks, from the year 1553 to 1608, and from 1826 to the present time, so that a complete and unbroken record of the court of session has not been preserved. These blanks, and the great hiatus after 1608, part of which represents a period in the life of Lord President Hamilton, are a considerable loss to the country. The loss of the missing volumes has been partly supplied by the existence of several abridgments of these books, such as Pitmedden's MS. Abridgment and Hailes' Catalogue. A short MS. abridgment of the Books of Sederunt has also been discovered among the charter muniments of Lord President Hamilton, which supplies apparent omissions in the other abridgments named. This manuscript, which is at least partly holograph of Hamilton, contains twenty-three folio pages of close writing, and is indorsed "Minute Sederunt Booke of Session from the yeere 1567 to the yeere 1625." It is divided into four parts, representing as many volumes of the original record, three of which are indorsed respectively:—"Sederunt. Notes of the Sederunt Booke, beginning Novemb. 1567:" "Sederunt. Notes of the Sederunt Booke, beginning Octob. 1575:" "Sederunt-Session. Acts of the Sederunt Booke, beginning 1587." The last part has no indorsation, but is a continuation of the part preceding it. The last sederunt in the one is dated 15th July 1616, and the first in the other 10th January 1617. The abridgment ends with the close of the reign of King James the Sixth, and the last sederunt, which is dated 27th March 1625, records his death as follows:—"King James of blessed and euer renowned memorie died at Theobalds."[1]

In 1567, the year with which this abridgment commences, upon the resignation at Lochleven of Mary, the then captive queen, James the Sixth was crowned king, and the Earl of Murray was chosen regent. Both of these events took place towards the end of the month of August. On 12th November the judges and clerks of the court of session took the oath of allegiance to the king and regent in the presence of the latter. The first sederunt in the abridgment begins with a record of this circumstance as follows:—"The lord regent received the whole lords aithes, and also the scrybes aithes."

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[1] Abridgment of the Books of Sederunt in Haddington Charter-chest.

The next sederunt, which is on the day following, refers to the re-appointment as chancellor of James, Earl of Morton. The words of the entry are, "The Earle of Morton admitted to the office of chancelor."[1]

It would, however, be too tedious in these pages to note at length all the entries in Lord President Hamilton's abridgment of the Books of Sederunt, though some of the entries which supply omissions in or differ from the other abridgments which have been mentioned may be adverted to.

On 19th November 1567, Mr. Edward Henderson, one of the extraordinary lords of session, was removed from his seat on the bench. The Pitmedden MS. gives as the reason of his removal that "he was one of the Privy Council."[2] According to the abridgment by Lord President Hamilton, the reason of the removal was the reverse of this—"because he was not of the Privie Counsell." This last version is evidently the correct one, as the extraordinary lords were nominated by the king from the lords of the Privy Council. The person who was appointed to the judgeship vacant by the removal of Mr. Edward Henderson was Sir John Wishart of Pittarrow. Several years later the laird of Pittarrow was again appointed an extraordinary lord in room of William, Earl Marischal. With reference to this, the authority already quoted states that he was re-appointed on 18th June 1574 in room of the Earl Marischal.[3] The Haddington abridgment gives the 4th of March 1573 (old style) as the date of Pittarrow's re-appointment, between three and four months earlier. Why he had been deprived of his former appointment is not stated, but the date of deprivation appears to have been the last day of September 1570. On that day the following entry occurs:—"The Lord Glamis admitted to the extraordinar place possessed by Pittarro."

Of the hiatus from 24th February 1604 to 19th June 1605, Lord Hailes says:—"During that interval it would seem that Bogie, Wrightsland, and Craigtown were admitted in the room of Myrecairnie, Auldbar, and some third person whom I cannot discover." Another authority states that no new lord was appointed in the interval except Wrightsland in place of Auldbar.[4] According to the Haddington abridgment both statements are incorrect, as there were at least two persons admitted as ordinary lords of session, Mr. Alexander Hay of Fosterseat and Mr. Lewis Craig, Lord Wrightsland. It also gives other two admissions to office which took place in this period, James Elphinstone, Lord Balmerino, as president in succession to Lord Fyvie, on 1st March 1605, and Lord Fyvie, now Earl of Dunfermline, as lord chancellor, on the 5th, four days later. The entry stating this last event may be given:—"Quinto Marcij 1605. For the Erle of Dunfermeling to be Chancellor."[1]

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[1] Abridgment of the Books of Sederunt in Haddington Charter-chest.

[2] Senators of the College of Justice, p. 133.

[3] Senators of the College of Justice, p. 138.

[4] *Ibid.* pp. 220, 221.

One other point on which light is thrown by the Haddington abridgment is the re-admission, as extraordinary lords of session, of Lord Blantyre, Alexander, Master of Elphinstone, and Sir Robert Melville. Lord Hailes, in his catalogue, states that the Master of Elphinstone was superseded as a judge on 13th January 1610. More recent writers, alluding to this statement, say that it seems to be a mistake.[2] In this they are correct, although not in the sense they mean. They imply that the Master had continued to sit on the bench from his first appointment, but this was not the case. Hamilton, in a note to his entry recording the re-admission to office of the Master of Elphinstone, states "that not long before, all the extraordinar lords were discharged by direction from his Majestie to the lords by his missive letter." This explains how and when the Master of Elphinstone vacated his seat on the bench, the date of the king's letter being 20th December 1609.[3] The date given by Lord Hailes, 13th January 1610, is that on which the three lords above named were re-admitted to office, and not that on which they were superseded.

From the frequent occurrence in the Books of Sederunt of excuses for non-attendance, and the rules on the subject of attendance which were framed by the court, it would appear that not only punctual and constant attendance, but also a sufficient excuse for absence, was required of every judge. Occasionally such were written on the margin of the book. Thus, under the date 4th March 1587, there is noted opposite the names in the sederunt, the words, "Menmuir seik this day."[4] On 7th November of the year following, after the sederunt and *una cum*, there is added, "The lordis present this day excusis my Lord Vrquherd as zit absent sen thair sitting doun,[5] in respect it is knawin to thaim that he was cumand to this burght, and is fallen seik be the gaitt" (way). Lord Urquhart's illness turned out to be a protracted one, for his name does not appear again on the sederunts of the court until the last of November, when the following note is written at the end of the sederunt:—"The lordis present this day excusis my lord priour of Pluscarden as absent sen thair doun sitting at Mertimes lest bipast, be ressoun it is notour to the saidis lordis that the said priour hes had greit wechte bysines ado, and als hes bene seik." Lord Urquhart was able to take his place in court on the 5th and 6th of December. His recovery, however, had not been complete, for on the 25th of that month he is again excused "as being ewill disposit and past off the toun for taking of medicyne, quhill the day of . . . nixt to cum." Five days later, Lord Urquhart was sufficiently recovered to take his place on the bench. Soon after this, on 3d February 1589, application was made to the court by John Graham on behalf of Lord Urquhart, for leave of absence. He explained that his lordship had lately "gottin ane fall of ane horse, and thairthrow wes ewill hurte." The lords accordingly "supercedis the comperance of the said Lord Vrquherd for the space of xiiij dayis nixtocum." They also declared that by his absence he should incur "na depriuation nor vthir panis that may follow thair upoun."[1] On 27th January 1607, the lords excuse my Lord Tungland for his absence, in respect of his sickness; and on 5th June 1607, and 17th March 1608, similar excuses are recorded for Lord Priestfield, the father of President Hamilton.[2] The case of Lord Urquhart was an exceptional one, but these illustrate the entries of this kind which find a place in the Books of Sederunt.

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[1] Abridgment of the Books of Sederunt in Haddington Charter-chest. The precise date of Chancellor Seton's appointment does not appear to have been known to the learned author of his memoir, who also, referring to his appointment as president of the court of session, gives the date of his election to that office as 28th May 1593 (*vide* pp. 25, 26 of the memoir), whereas that is the day when his admission took place. His election was on 22d May, six days earlier than his admission, and thus four days before the death of Lord Provand, his predecessor in that office [Books of Sederunt, vol. iv. part I. fol. 120, 121.]

[2] Senators of the College of Justice, p. 242.

[3] Calderwood's History, vol. vii. pp. 53, 54.

[4] Books of Sederunt, vol. iv. part I. fol. 6.

[5] The last sitting of the court had been on the 1st of the month. The sederunt immediately preceding it, on which occasion Lord Urquhart was present, was on 14th August.

Other excuses for absence, besides that of sickness, were sometimes tendered. On 2d November 1593, "The lordis excuisses Alexander, commendator of Culros, his absence, in respect of his dochter's mariage." On 17th November 1595, "the lordis excusis Lord Maircairny quhill (until) the 24 day of this instant monethe, in respect of his laitt hairvest," and for the same reason, on the 29th of the same month his absence is again excused until the 6th of December.[3]

The death of any of the members of court, and sometimes of others, was also usually recorded in the first sederunt after it occurred. Thus it is noted:—

26th May 1593. "This day, Mr. Wm. Baillie, Lord Provand, president, deceissit."

25th May 1594. "Hoc die matutina hora octaua obiit D. J. Setonius;" and

13th February 1595. "Mr. Dauid M'Gil, aduocat, diet this day about aucht houris in the morning."

The pages of the Sederunt Book are further enlivened by allusions to passing events of a very miscellaneous kind. On 25th January 1588 there is written opposite the names of the lords, "Sanct Paulis day. Greit wynd, euill and dry weddir."[4] Mention is made on 25th February 1597 of an eclipse which took place on that day: "This day about tene houris befoir none, being eclipse of the sone, thair was sic vniversall darknes be the space of a third part quarter of hour, that na man culd reid that space."[1] Some entries remind the reader of the barbarous and turbulent state of the times.

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[1] Books of Sederunt, vol. iv. part I. fol. 18, 21, 23, 47.

[2] *Ibid.* part II. fol. 363, 369-377.

[3] Books of Sederunt, vol. iv. part I. fol. 130, 183, 184.

[4] *Ibid.* fol. 26.

Thus—"17 March 1577, the Lord Glamis, chancellor, slayne at Striueling,"[2] this being the outcome of a street broil between the Earl of Crawford and Lord Glamis, and their respective followers, in which the latter was accidentally killed by the shot of a pistol.[3]

"6 December 1593, post meridiem—This day Lord Maxwell was slane be the lard of Johnstoun, armati vtrinque in campo,"[4]—Maxwell was warden of the West March, and had been commissioned to apprehend Johnstone of Dunskellie as an adherent of Bothwell. The resistance offered by Johnstone and his five hundred men to the warden and his force, which was more than four times as large as that of his opponent, was fatal to Maxwell, who was slain, and his followers defeated.[5]

"18 June 1597—Archibald Vauchop, fear of Niddrie, this day was slain be the laird of Edmiston, his commission."[6]

Other entries relate to public executions of more than ordinary importance.

"Vltimo May 1581. The Earle of Morton convict in ane justice court of treason; and wes executed to the death 2 June 1581."

"3 December 1584. Ane baxter called Henderson brunt quick for wilfull raising fire in Edinburgh."

"This day, about aucht hours at nycht, Ewfame M'Calzeane was brunt, viz. 25 June 1591." This case excited considerable interest at the time of its occurrence. She was the only daughter and heiress of Mr. Thomas M'Calzeane, Lord Cliftonhall, one of the senators of the college of justice, and was accused of witchcraft. Notwithstanding her social position, her denial of guilt, the great difficulty which existed in convicting her, and the prevailing belief in her innocence, she was condemned and burned at the stake.

"1 March 1615. John Ogiluie, Jesuite, execute to the death at Glasgow."[7]

Occasionally the movements of important personages are recorded. On 10th February 1593 a marginal reference in the Book of Sederunt bears the following:—

"Balcleuch come this day to Edinburgh from Italie, Flanderis, and Ingland."[8] Another instance which may be noticed is one which, however briefly expressed, brought consternation to the whole of Scotland. This was the journey of Prince Charles to Spain with a view to effecting a matrimonial alliance with that country. King James, well aware how unpopular the project would be to Scotland, unsuccessfully endeavoured to prevent the matter becoming public throughout the country. On 19th February 1623, the rumour was authenticated in the Books of Sederunt by the entry :—"The Princes journay to Spayne begun." Prince Charles did not succeed in his mission, and on 5th October, the same year, his return is noted, "The Prince returned from Spayne."[1] Opposite the sederunt dated penult November 1596 is the following note :—"L. Elisabeth, first doghter of Scotland, was baptisit at Halyrudhous."[2]

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[1] Books of Sederunt, vol. iv. part II. fol. 241.

[2] Abridgment of the Books of Sederunt in Haddington Charter-chest.

[3] Calderwood's History, vol. iii. p. 397.

[4] Books of Sederunt, vol. iv. part I. fol. 134.

[5] Calderwood's History, vol. v. p. 290.

[6] Books of Sederunt, vol. iv. part II. fol. 225.

[7] Abridgment of the Books of Sederunt in Haddington Charter-chest.

[8] Books of Sederunt, vol. iv. part I. fol. 142.

On 17th June 1600, it is noted that Laird Carmichael was killed by the Armstrongs when he was warden; and on 6th January 1602, that "Duk Robert, thyrd sone to his Maiestie [was] borne vpoun Sonday the sevinteenth day of this instant." Then, on 5th March 1605, it is recorded, "Sonday, Mononday, this Mononday Lordis Home, Drummond, Fyvie, creat Erlis of Home, Perth, and Dunfermeling."[3] On "19th December 1613, the kings ship called the 'Advantage' brunt in the Road of Leith;" and on 13th June 1622 there is noted a "Sea-fight betuix the Dunkirk ship and two Hollanders."[4]

In the time of Lord Advocate Hamilton, the court of session met in the Tolbooth of Edinburgh, which accommodated not only the lords of session, but also the town-council of Edinburgh, and Parliament itself. The old Tolbooth, which stood on the line of the High Street, had been partly demolished, and the new Tolbooth, which stood where now is situated the library of the writers to the signet, was just completed in 1562, the year before Lord Advocate Hamilton was born. When Parliament met in the Tolbooth the lords of session had an enforced vacation, as there was not accommodation for the two bodies in the same building. Hence the following entry in the Books of Sederunt under date 25th May 1594 :—"All thir dayes interiectit betuix the said xxv day of Maii and the tent of June next, stoppit be the Parliament."[5] Although after 1563 there existed at the same time both an old Tolbooth and a new Tolbooth, there appears to have been still insufficient accommodation. In October 1598, twelve merchant burgesses of the city of Edinburgh entered into a bond to have the laigh or low Tolbooth made fit to be used by the lords of session as their utter or outer house. This was done by taking the "lofting" from the Over or Upper Tolbooth for that purpose, which was done under special warrant of his Majesty, and the lords of session themselves declaring their satisfaction and contentment "to vse the Laich Tolbuith for the Vtter House till tyme and occasion may serve that ane Tolbuith be biggit."[6]

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[1] Abridgment of the Books of Sederunt in Haddington Charter-chest.

[2] Books of Sederunt, vol. iv. part II. fol. 214.

[3] *Ibid.* fol. 289, 315, 333.

[4] Abridgment of the Books of Sederunt in Haddington Charter-chest.

[5] Books of Sederunt, vol. iv. part I. fol. 147.

[6] *Ibid.* part II. fol. 262.

Chapter Seventh.

THE UNION OF THE CROWNS—ABERDEEN ASSEMBLY, ETC.

1603—1606.

The beginning of the year 1603 brought a great change to Scotland. By the death of Queen Elizabeth, on 24th March of that year, King James the Sixth became king also of England and Ireland in addition to his native kingdom. Immediately after the news reached Holyrood, the king prepared to set forth to take possession of his new crown. On the 3d April, within a week from his reception of the news, he took as it were a public farewell of his people by a speech made after sermon in the high church of Edinburgh, and on the 5th he took his actual departure from the Scottish capital.[1] The week which preceded this event was one of unusual hurry and business, as into it were compressed the final enactments which the king issued for settling Scottish affairs, that they might be carried on steadily during his absence, though it is to be noted that he never relaxed his personal influence over his northern kingdom, but, as he himself truly said, governed it with his pen.

The changes which that eventful week brought affected Lord Advocate Hamilton perhaps more than other members of the Privy Council. One of the latest acts passed while the king was still in Scotland provided for the increase of the power of the king's advocate, and the more rapid administration of justice, by authorising him to appoint one or more deputies to take his place in absence. In him, indeed, the chief authority was now vested, in the absence of the king. At a later date he was furnished with an armed guard of forty horsemen, who acted as a body of flying police for the apprehension of those obnoxious either to the civil or criminal law.

The lord advocate was also one of those who had been appointed to act as privy councillors and advisers to the queen, and in this capacity he found himself called to play a difficult and delicate part in an incident which took place not long after the king's departure. Her Majesty remained in Scotland some weeks after her husband, and in about a month left Edinburgh for Stirling, accompanied by some noblemen and others, including the lord advocate. He and Lord Fyvie parted from her on the way, but the lord advocate was afterwards obliged to rejoin her with letters from the king. She intended to make a resolute attempt, in the absence of the Earl of Mar, then with the king, to obtain possession of her eldest son, Prince Henry, who was in charge of that earl. In this purpose, however, the queen was frustrated by the vigilance of Lady Mar and her son, who refused to deliver up the prince. In the end the prince was given up under special instructions from King James, who commended Lord Mar for his good service; but one immediate result of the incident was that the queen, as Spottiswoode says, had a pitiful miscarriage.

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[1] Calderwood, vol. vi. pp. 215, 221. On his way to England, the king met the funeral of Robert, first Earl of Winton, and rested, until it was over, at the south-west corner of the orchard of Seton. He remarked publicly, also, in the hearing of all around, that he had lost a good, faithful, and loyal subject. [History of the House of Seytoun, by Sir Richard Maitland, continued by Viscount Kingston, p. 60.]

During the negotiations various attempts were made to induce her Majesty to yield to what was the king's firmly expressed will, that the prince should remain with the Earl of Mar, but without success, and some of the queen's advisers, including the lord advocate, seem to have taken her part. The Earl of Montrose, then chancellor, wrote at the time to the king that the Earl of Mar, when he reached Stirling, and learned the state of matters, blamed those who accompanied the queen, although they protested that they had no intentions but to convoy her Majesty.[1]

The queen expressed great wrath against the Earl of Mar, but King James wrote her a letter commenting seriously upon her conduct, and fully vindicating his faithful servant. It is probable that the king's censure was also indicated against some of the queen's advisers, including the lord advocate, as a letter was written to the king by Lord Fyvie, chiefly in defence of the lord advocate. Lord Fyvie had gone to Stirling to see the queen and represent to her the king's wishes, but he found her not in a condition to listen to reasonable counsels.

It would appear, however, that he also rather inclined to the queen's view; and as his letter gives a full account of the lord advocate's conduct, it is here largely quoted, the spelling only being modernised. After referring to his visit to Stirling, Lord Fyvie proceeds—"As to your Majesty's advocate's part or mine in this, albeit we have had that honour and direction by your Majesties to be as her highness' counsellors in the whole course of this business, I certify your Majesty we have been more subject to obey commandments and directions than well heard or taken with in our counsels, which we would never have given but to your Majesty's contentment in the first place, and the fulfilling of your Majesty's full will." He had gone from Dunfermline when summoned by the queen, who was ill, and whose condition "would not admit all that good reason might have furnished to any of us to be said to her Majesty. Your highness' advocate chanced to be with her Majesty, present at the very worst. By the carriage of some letters of your Majesty there the night before, your highness has had sufficient proof both of his wit and good behaviour of before; at such a time, in such an accident, to such a person, what could he do or say? His due respect to your Majesty and to your obedience behoved ever to have the first place in his mind; he was not ignorant of the great care and tender love your Majesty has to her highness' royal person; to dispute or contest what reason and wisdom would urge of her highness' proceedings was but the way to incense her Majesty farther against all, and to augment her passion to greater peril, which he was certain would have annoyed your Majesty above all, and might have been justly imputed to lack of discretion on his part. All being weighed, the best expedient was to comfort and encourage her Majesty to give her good heart (in summe phisick and medicine requireth then greatar place nor economic nor politic). Her Majesty's passions could not be so well moderated and mitigated as by seconding, following, and obeying all her direction, which always was subject and depended wholly upon your sacred Majesty's answers, as resolutions, as oracles, to give both health and full resolution of all doubts and difficulties. This was his estate, this was his part in the perplexity of this business, which, well examined by your highness' incomparable wisdom, I am certain, will never engender any prejudice to his former deservings and extreme goodwill to your Majesty's service."[1] The lord advocate himself has left a long and detailed account of the affair and his own part in it. His narrative, however, contains no additional facts, and he does not appear to have advised the queen one way or other, as at the critical moment he failed to get access to her presence.[2]

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[1] Letters and State Papers of Reign of James VI., Abbotsford Club, pp. 49-51. 13th May 1603.

There is no reason to believe that anything which the lord advocate did on this occasion prejudiced the king against him, as he continued to receive marks of the royal favour. The acts of the Privy Council preserved at this period show the king's activity in the lord advocate's own department, and his anxiety for good order and the steady suppression of the deadly family feuds which then disgraced the history of Scotland.[3] Another matter which occupied the king's attention, and in which the lord advocate was called to take a chief part, was the project of a national union between Scotland and England. This idea had presented itself to the king's mind, and was expressed in words even in his farewell to his people ere he left Scotland, and in January 1604, the project having been matured, he wrote to the Scottish Council as to the best means of carrying it out.[3] In the following March he pressed the matter strongly upon his

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[1] Letters and State Papers, *ut supra*, vol. i. pp. 53-56. 30th May 1503.

[2] Vol. ii. of this work, pp. 209-213.

[3] It is of some importance in this connection to note that it is to the lord advocate himself that we are indebted for our chief information as to the events which took place within the year after the king's departure from Scotland. The original volume of the records of Privy Council from February 1603 to March 1605 has been lost, and it is only by a series of excerpts made by him from the now missing volume, similar to excerpts which he made from records then existing but now missing, that the most important acts of Council are now known [Register of Privy Council, vol. vi. pref. pp. vi-viii].

English Parliament. After much delay, commissioners were nominated on the English side to treat on this matter, with others appointed in July 1604 by the Scottish Parliament.[1]

Among those nominated as commissioners on the part of Scotland was Lord Advocate Hamilton, who is now described as Sir Thomas Hamilton of Binny, knight. He received the honour of knighthood some time between 29th June and 4th August 1603, though the exact date has not been ascertained.[2] After his appointment, Sir Thomas received a special summons from the king to come to Hampton Court to advise with the English commissioners, his advice being "specialie requisite in these materis."[3] The committee for the union sat for about five weeks, discussing in what Lord Bacon, who was present, describes as "a grave and orderly assembly,"[4] the various points placed before them for consideration. When these were agreed upon, the whole articles were adjusted between Sir Thomas Hamilton on the Scottish side and Sir Francis, afterwards Lord Bacon, on the part of England. The result was the Draft Treaty of Union between England and Scotland which was signed on 6th December 1604. The treaty, which is given at length by Spottiswoode in his History,[5] was, after many delays, submitted to the English Parliament, where, though ably supported by Sir Francis Bacon, only a small portion was accepted. The Scottish Parliament of 1607, at which Sir Thomas Hamilton was present, went somewhat further, but in a letter to the king they frankly state that they have no earnest desire for union, though they would not resist his Majesty's expressed will.[6]

Another important affair with which Sir Thomas Hamilton was connected, and one which had far-reaching consequences, was the famous trial of those ministers who were arraigned for their share in the General Assembly of Aberdeen in July 1605, and for declining the jurisdiction of the Privy Council. The circumstances are to be found fully narrated by contemporary historians, but the part played by Sir Thomas Hamilton, so far as it can be traced from his own letters and other papers, may here be told.

At the last General Assembly held in the king's presence, before his departure for England, that which met at Holyrood in November 1602, the next Assembly was appointed to be held at Aberdeen in July 1604. When that time approached, however, the king prorogated the meeting to an indefinite date. This gave rise to great excitement, and at numerous meetings of presbyteries and synods the king's intentions were much debated. In the following year, missives were issued appointing a General Assembly to be held in July 1605, also at Aberdeen.[1] In terms of these missives, many presbyteries elected their representatives, when, on the 20th June 1605, a proclamation was issued countermanding the Assembly, on the ground that the king had not been consulted as to its meeting, and that he wished to wait for the issue of the approaching Parliament ere he dealt with the affairs of the church. This proclamation was supplemented by a friendly letter from some of the Privy Council to the ministers, desiring those who might meet to dissolve their Assembly quietly, and to intimate any new Assembly to his Majesty. According to the sederunt of the Council, Sir Thomas Hamilton was present when the proclamation and letter were issued, but he was not one of those who signed the letter.[2]

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[1] Cf. the words of the king's harangue in the High Church of Edinburgh, 3d April 1603. Calderwood, vol. vi. pp. 215, 216.

[2] Sir Thomas Hamilton is first so designated on 4th August 1603. [Register of the Privy Council, vol. vi. p. 863.]

[3] Melros Papers, vol. i. p. 5, 28th August 1604.

[4] Bacon's Essays, Morley's Ed. 1887, p. 132.

[5] Spottiswoode Society Ed. vol. iii. pp. 148-155.

[6] Acts of the Parliaments of Scotland, vol. iv. pp. 366-371 ; cf. Register of Privy Council, vol. vii. p. 536.

The next step in the proceedings in which Sir Thomas was concerned is to be found in a proclamation by the Privy Council on 18th July 1605, evidently inspired from London, in which eighteen ministers are denounced for holding an unlawful Assembly, in spite of the king's charge to the contrary. The reason of this was that on the day appointed for holding the Assembly these ministers had met with Sir Alexander Straton of Lauriston, the king's commissioner, who presented to them the letter of the Privy Council requesting them to dissolve. But, according to their own statement made afterwards to the king, the letter being addressed to them all, they could not formally receive, read, or answer it, until they were properly constituted as an Assembly.[3] They therefore elected a moderator, the moderator of the previous Assembly not being present, and having appointed a clerk, they proceeded to answer the letter, informing the Council in the most respectful manner that they had neither discussed nor voted upon any of the proposed business before them, but had determined to separate as requested, only appointing a later date for their meeting again.[4] This appointment was made in the absence of the king's commissioner, who appears to have been greatly perplexed what to do under the circumstances. When the Assembly was on the point of separating, he appeared and told them that he did not admit the lawfulness of their meeting, and caused them to be legally charged to dissolve, under the penalties denounced in the king's letters, which he then produced for the first time.[5] On the charge being formally made, the ministers at once went to a notary and made a declaration that they had received the charge only a quarter of an hour before, and had separated at once without further action.[1] Thus terminated the famous Assembly of 1605, which called forth, sixteen days afterwards, the Act of denunciation already referred to.

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[1] Calderwood states that some missives appointed the 2d July, and others the 5th July, as the date of meeting [History, vol. vi. p. 279].

[2] Register of Privy Council, vol. vii. pp. 62, 471; Calderwood, vol. vi. pp. 280, 283.

[3] *Ibid.* p. 327, cf. p. 440.

[4] Letter dated 2d July 1605. Register of Privy Council, vol. vii. pp. 471, 472.

[5] Calderwood, vol. vi. pp. 326, 329; cf., however, pp. 440, 443, where there is a variation in the account.

It has been suggested, that as so long a period had elapsed between this Act and the proceedings denounced, it is likely that the Scottish Privy Council wished to allow them to pass without very severe notice.[2] This is probable, but the king willed it otherwise, and he was determined to punish those ministers who had assembled, as well as ten others who, arriving at Aberdeen a day or two later, and learning what had been done, gave in their adhesion to the proceedings. The king's opinion and will are indeed plainly and forcibly expressed in a letter from himself, addressed to Lord Balmerino, secretary for Scotland, of date 19th July 1605, and probably as an immediate result of that letter, Messrs. John Forbes, minister at Alford, and John Welsh, minister at Ayr, who were accounted the leaders of the ministers, were arrested and sent to Blackness, on the 27th July.[3] Four other ministers were shortly afterwards committed to the same fortress.

It is unnecessary to enter into all the details of the proceedings, which may be read in the histories of the period. Suffice it to say that out of the twenty-eight ministers who met at Aberdeen, fourteen submitted to the king's will, while fourteen refused and were warded accordingly. These were summoned before the lords of council for trial on 24th October, when Lord Advocate Hamilton appeared as prosecutor. When the accused came to the bar, they first presented a petition desiring their case to be remitted to a General Assembly as a spiritual and the only competent court. This was rejected, and the advocate then desired them to answer to the charge against them, which declared that their proceedings at the late Assembly were wholly unlawful, and in contempt of the king's authority, thus making them guilty of "rebellion." Instead of pleading guilty, however, they, in a formal document, declined the authority of the Privy Council, while offering to submit to a General Assembly. To this the advocate pleaded that, by an Act of Parliament of 1584, all authority, spiritual and temporal, was vested in the king, and his Council was declared a competent judge in all causes. The ministers were again asked to answer in proper form, and they did make a defence, giving reasons for their actions, but these were repelled, and their Assembly declared unlawful, in terms of the king's letters. The accused were then returned to their respective places of confinement, until the king's will regarding them was ascertained.[1]

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[1] Calderwood, vol. vi. pp. 284, 285.

[2] Register of Privy Council, vol. vii. pp. 82-85, editor's note.

[3] Three days later, according to Sir Thomas Hamilton's own excerpts from the Council records, the bishop of Ross [David Lindsay] declared that Messrs. Forbes and Welsh "wer hardlie keiped and mair straitlie used than either Jesuites or murthourers, and thairfore desyred that aither they micht be put to liberty, or transported to some mair gentill ward." On which Sir Thomas comments in his own handwriting: "Strange opinion of ane prelat and counsellour." [Register of the Privy Council, vol. vii. p. 105 and *note.*]

The announcement to his Majesty of the result of the trial was almost immediately followed by the discovery of the Gunpowder Plot, and it was hoped that the deliverance from that conspiracy would incline the king to mercy towards the imprisoned ministers. But this was not the case. His Majesty, in the exercise of what he believed to be his prerogative, was more determined than before to punish those whom he styled "this unreulie handfull of ministers." Orders of the most peremptory kind were therefore remitted to the Scottish Council to bring those who thus contemned his authority to a speedy trial. Moreover, whereas their offence hitherto might be described as disobedience, now they were to be charged with treason, their declining the Council's jurisdiction being construed as defiance of the king's own authority.

As this new charge involved trial for a capital crime before a judge and jury, the Scottish Council, who appear to have greatly desired to deal leniently with the ministers, were slow to act in the matter. Before the king's orders arrived, an attempt was made to procure a submission from the accused, but the negotiations failed. Then the Earl of Dunbar was sent from Court, it is said at the Council's own desire, to expedite the arrangements, when it was resolved at first to try only those six ministers who were warded in Blackness, as among them were Mr. John Forbes and Mr. John Welsh, who were the most obnoxious to the king,[2] the other four being Messrs. Robert Durie, minister of Anstruther, Andrew Duncan, minister of Crail, John Sharp, minister of Kilmany, and Alexander Strachan, minister of Creich.

As a result of the Earl of Dunbar's exertions, early in the morning of the 10th of January 1606, the prisoners at Blackness were roused by a summons from the guard requiring them to appear at once before the Council, who were to sit at Linlithgow at seven o'clock of that day.[3] It may be noted that the accused had no legal warning of their trial, though they were aware through friends that such was intended, and had made some preparation for their defence. Before proceeding to the trial, however, the Council endeavoured in various ways to induce the ministers to withdraw their declinature, and at one of their interviews the lord advocate especially urged them to do this. He signified the Council's good affection and earnest desire to arrange the matter with contentment to the king, peace to the church, and safety of their persons, and then he showed the necessity of putting them to trial before a jury in terms of the king's letter, which was exhibited. He further urged that, under the Act of 1584, they would, if tried, certainly be convicted, and he therefore begged them, at the Council's desire, to withdraw their declinature, as nothing else would satisfy his Majesty, and so avoid a trial. To this the ministers replied, that if the Council would delete their act against them that it might not remain to their prejudice and that of the church, they would withdraw, but not otherwise. The result was that the negotiations broke off, and the ministers were informed that they must stand a trial.

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[1] Register of the Privy Council, vol. vii. pp. 134-137.

[2] Letter from Lord Balmerino, January 1606; Register of Privy Council, vol. vii. p. 478.

[3] Linlithgow was selected as the place of trial, partly because it was not far from Blackness, and partly to avoid rousing the popular excitement by a trial in Edinburgh. [Balmerino's letter.]

They were accordingly arraigned at the bar, first, before Mr. William Hart, justice-depute, sitting as judge, with the Privy Council as assessors, and afterwards before them and a jury. To enter into every detail of the trial here is needless, as it is very fully reported in contemporary narratives; suffice it to say that the ministers were found guilty of treason as libelled, though sentence was deferred till the king's pleasure was known. The contemporary accounts of the trial, which are chiefly from the ecclesiastical side of the question, all comment more or less severely on Lord Advocate Hamilton, as if he had been one of their most violent opponents. But considering his office as public prosecutor, it does not appear, on a careful comparison of the various narratives, that he exceeded what was deemed the duty of the lord advocate. Perhaps his position as respects the trial may be best gathered from a letter written by himself to the king on the day following, giving a report of the proceedings.

The lord advocate begins by a reflection upon the "ignorant and inflexible obstinacie" of the defenders, which, if they had been acquitted, would have tended to the subversion of the royal authority in Scotland. But, he says, now that God has brought it to that good end, that "efter langsum, difficill, and most contentious" labours, they are convicted, the first and greatest praise of this good success belonged to the king himself, for "forseing this mater to be of sik difficultie and danger, as it requyred the particular directioun of your Majestie's awin most excellent wisdome be the report and prosecution of my lord of Dunbar, who, I am assurit, in all his life wes neuer so solist for the euent of the tryall of uther mens lyves." The lord advocate then relates the "caire and diligence" of the Earl of Dunbar, who dealt with the members of the court, showing the king's anxiety to maintain his authority, the undoubted favour they would receive by "doing thair dewtie," and the disgrace they would incur if anything should miscarry. The earl also provided sufficient forces to execute the orders of the Council, and brought with him to Linlithgow many of his own kin and friends, of whom the jury were largely composed, otherwise, the writer concludes, the case would have failed, "to oure infinite greif and your Maiesties ouer great preiudice." The remainder of the letter is in the same strain.[1]

A similar statement, with somewhat less detail, is made by Lord Balmerino, as secretary, about the same date, also in a letter to the king.[2] Lord Hailes, commenting on Lord Advocate Hamilton's letter, says—"It is also evident that the king's advocate disliked the proceedings as impolitic and odious, but that he had not resolution to oppose them."[3] This opinion, however, can scarcely be drawn from the letter recited, though it certainly expresses the attitude of the Privy Council generally, who a few weeks later wrote a bold letter to his Majesty protesting against the trial of the remaining ministers whom the king wished to prosecute.[4] The lord advocate was one of those summoned to London to confer on the subject. It is not clear whether he went there or not, but if he did, his advice was evidently similar to that of his colleagues, as the king's proposal was not pressed. A somewhat strongly-worded proclamation, however, was issued, forbidding any one to utter slanderous speeches against the proceedings of the Council, and also seditious language in the pulpits. This proclamation gave great offence to the synod of Lothian, who made it the subject of a complaint to the Council. In the debate which followed, the bishop of Dunkeld (Peter Rollock) remarked, on the authority of the clerk-register, that the Acts of Parliament against "leasing makers" could not strike at the ministers, because these acts were made "in tyme of papistrie," a remark which called forth from Lord Advocate Hamilton, in his excerpts, the comment "whilk appeirs to be far by (beside) reason and purpose." In consequence of this comment, it has been suggested, probably with truth, that Hamilton himself may have written the document.[5]

In any case he is credited with the authorship of another paper, which was issued a little later, entitled, "A Declaration of the just causes of his Majesties proceiding against those ministers who are now lying in prison, attainted of high treason." It was published in pamphlet form in April 1606, and was really the expansion of a little treatise by the king's own hand, which had been sent down to the Scottish Council so early as September 1605. After the trial at Linlithgow, Lord Balmerino, then secretary of state, was directed by the king to frame "a shorte Declaratour of oure intentioun and course of proceding in this busynes." But the pamphlet, in which this order was carried out, and in which the king's own words were incorporated, is said to have been written wholly or chiefly by Lord Advocate

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[1] Letter, dated Linlithgow, 11th January 1606; Melros Papers, vol. i. pp. 10-12.

[2] Register of Privy Council, vol. vii. pp. 473-480.

[3] Hailes' Memorials, etc., in the reign of James the First, 1766, p. 1.

[4] Register of Privy Council, vol. vii. pp. 483-486.

[5] *Ibid.* pp. 179-181, 186, and *note*.

Hamilton. The publication called forth much indignation from the ministers and their friends, and the statements contained in it were strongly denounced, while his share in the authorship procured much condemnation to the lord advocate.

This feeling against him found forcible expression a few months later in the presence of the king himself. A summons from court had called thither Mr. Andrew Melville, his nephew, Mr. James Melville, and six other ministers, to confer with his Majesty, and with certain Scottish bishops, as to the ecclesiastical state of Scotland. The conference took place at Hampton Court, in September 1606, the feeling on the side of the Presbyterians being intensified by the proceedings of the Parliament at Perth in the previous July, when the so-called bishops were greatly advanced in status and authority. Lord Advocate Hamilton was present as one of the officers of state, with other principal members of the Scottish Council.

The king received the ministers graciously, and on the first day of the conference made a speech to them, expressing his desire to continue peace in the Church of Scotland, but commenting on the unlawfulness of the Assembly at Aberdeen. A long reply to his Majesty's objections was made by Mr. James Melville, after which they were dismissed. The next day they were again called to the presence, a number of the English nobility as well as clergy being with the king. His Majesty, instead of hearing one of the ministers answer for the rest, as they expected, began to interrogate each in turn, beginning with the Scottish bishops, who unanimously condemned the Assembly. Turning then to each of the ministers, beginning with Mr. Andrew Melville, the king asked his opinion, and so with the others.

When Mr. William Scot of Cupar was asked, he gave his opinion with the rest in favour of the Assembly, and it was at this stage that Lord Advocate Hamilton took part in the proceedings. An unknown writer, who was present at the conference, states that while the king was reading a paper presented by James Melville, the lord advocate, with the king's permission, pressed Mr. Scot on the point in dispute, adding that Scot answered so gravely and learnedly that he had the great applause of the nobility of England. As the advocate had no solid reason to oppose, he began to speak harshly of the ministers in captivity, whereupon Mr. Andrew Melville, the others having spoken, craved permission to speak a second time, and this being granted, he threw off his former reserve, and spoke boldly and freely. He related the whole circumstances of the Assembly, and the proceedings since, declaring that whereas before he would say nothing to condemn them, now he altogether justified them and their doings. Then, with much of his old fervour, he thus addressed the advocate,—"My lord, you would do God and his Majesty better service if ye bended your forces and speeches against your uncle, Mr. John Hamilton, a seminary priest, and one Mr. Gilbert Brown, abbot of

Newabbey, who have infected a great part of Scotland with their superstitious dregs of popery. But these men's heads ye have clapped (fondled), and shut up the faithfull servants of Jesus Christ into prison. And still, my lord, ye show yourself possessed with the same spirit, for ye think it not enough to have pleaded against them in Scotland, using all the skill and cunning ye could there, except now also ye continue ὁ κατήγορος τῶν ἀδελφῶν."[1]

At this point in the speech, the charges in which recall those directed against the lord advocate in the pasquil of 1597, referred to in a previous part of this memoir, the king turned suddenly to the archbishop of Canterbury with the remark, "What is yon he says, my lord? I think he is calling him out of the Revelation the Antichrist; nay, by God, he calleth him the very Devil." The conference shortly afterwards closed, the ministers urging upon the king that a free General Assembly was the only means by which peace might be restored to the Church. They were then virtually dismissed from court, but were once and again called before the members of the Scottish Council in London, when the lord advocate took a prominent part in their examination.[2] One immediate result of the conference was that the king ordered the six ministers who had been tried at Linlithgow to be banished from Scotland. Another proclamation, issued at the same time, contained an order forbidding any minister to mention, otherwise than with reprobation, those ministers in ward for the Aberdeen Assembly; while a third command was directed against Jesuits and other Roman Catholics.[3]

The sentence against the six ministers was pronounced by the Scottish Privy Council on 23d October 1606, but it does not appear that Lord Advocate Hamilton was present on the occasion. Probably he had not then returned from London. No mention is made of him in the sederunts of the Council until 16th December 1606, some days after the convention of ministers, which had been called by the king, and which met at Linlithgow on 10th December.[4] At this convention the lord advocate was present as one of the court party, but is not specially referred to in the proceedings, which were chiefly directed to two points—the suppression of Catholicism, and the king's plan of constant moderators for presbyteries and synods. A list of such appointments was made, but the results of the convention were not formally published until sanctioned by his Majesty. That sanction was sent down to the Council in January 1607 in a form which was unacceptable to the ministers, and there was strong resistance to the scheme all over the country. As regards this, however, it need only be mentioned here that the lord advocate was appointed by the Council a commissioner to the synod of Lothian to enforce upon them the acceptance of a constant moderator. He attended two of their meetings, but failed in effecting his purpose.[1]

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[1] "Accuser of the brethren." This account is taken from a report of the conference made by an unknown person, who was evidently present. It is printed in "Original Letters relating to the Ecclesiastical Affairs of Scotland," Bannatyne Club, vol. i. pp. 59-67.

[2] *Ibid.* Calderwood, vol. vi. pp. 580-582.

[3] Register of the Privy Council, vol. vii. pp. 257-260.

[4] *Ibid.* pp. 260, 282.

In January 1607, the lord advocate wrote to King James regarding a matter of a different kind, but in which the clergy, especially the bishops, were interested. It would appear that, in a case before the court of session, a question had arisen as to the so-called "Golden Charter," granted by King James the Second to the bishop of St. Andrews and his successors. That charter, in addition to the more usual clauses, granted to the tenants, farmers, and others in the bishopric between Forth and Tay, exemption from arrestment, and from secular taxation of all kinds. The lord advocate had ascertained from the clerk register (Sir John Skene) that some royal grants had formerly been made to certain bishops of what were called second teinds, defined to be the teind of the victuals and provision of the king's house, as of bread, ale, mutton, beef, etc., and the tenth penny of the king's casualties from certain shires—the terms of which Sir John Skene had intended to publish in his book on antiquities, but by the lord advocate's wish had suppressed them. His lordship had also heard that two years previously an action had been raised before the lords of session by a person who claimed right to second teinds under a disposition by the bishop of Aberdeen, and as he feared that further claims might be made on such rights, he desired to know the king's pleasure in the matter; whether his Majesty will continue to sanction former gifts of such privileges, or will now oppose them. He expressed his belief that if the king required any of the bishops to renounce any of their privileges of regality they would do so. The lord advocate concluded by asking the king's pleasure as to an application by Lord Torphichen, that he should be henceforth exempt from all taxations.[2] No immediate action followed upon this letter, but the subject again engaged the attention of the writer at a later period.

Chapter Eighth.

THE SILVER MINE AT HILDERSTONE.

1607.

A more interesting correspondence between the king and his lord advocate arose later in the same year, 1607, which, however, brought the latter into some difficulty with his Majesty. The primary cause was the discovery of a mine or vein of silver on his lordship's lands of Hilderstone-hill, in the county of Linlithgow. According to a contemporary, a few years before this date, a collier, named Sandy Maund, searching about the hillsides near the water of Hilderstone, found a "piece of brownish sparr stone," and breaking it with his mattock, was struck with its white appearance.[1] He was advised to show the stone to Sir Bevis Bulmer, an English speculator, who was engaged in searching for gold and silver on the king's behalf in Crawford-moor and elsewhere. Further search was then made, and a vein found, which excited pleasing anticipations in the minds of the lord advocate and the king. The former at once took measures to secure his rights. He had in June 1606 obtained from the king a lease of all mines and minerals in his lands in the county of Linlithgow,[2] in which no mention is made of gold and silver; but in March and April 1607, he received two charters from the king, the first erecting certain lands into one barony, called the barony of Binny or Binning, and the second containing a grant in feufarm of all minerals, including gold, silver, lead, etc., to be found in his lands within the county of Linlithgow, one-tenth of the profits to be paid to the royal exchequer.[3] On 25th March 1607, also, he received an appointment to the office of master of metals and minerals in Scotland.[4]

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[1] Calderwood, vol. vi. pp. 604, 645, 680; Register of the Privy Council, vol. vii. pp. 297-302.

[2] 23d January 1607. Melros Papers, vol. i. pp. 23-26.

It would appear, however, that the expectations of king and subject were disappointed, but contemporary accounts of the matter differ. Calderwood states that at the first the value of the vein was reported as not being great, but that three-quarters of a year later, this report was contradicted, upon which the lord advocate was sent for and was said to have renounced his infeftment of the minerals. The historian adds that the king sent experts to try the ore, and afterwards the mine was closed.[5] Scott of Scotstarvet improves on this story by stating that the lord advocate, having dug the best part out of the silver mine, sold it to King James for £5000.[6] Sir James Balfour only records the fact that Sir Bevis Bulmer, who had been employed by his Majesty in regard to the silver mine at Hilderstone-hill, being unable to continue working it with profit, gave it up into the hands of Sir Thomas Hamilton, the first owner, in August 1607.[7] This last statement is corroborated by a letter from Hamilton himself to the king, but the correspondence does not bear out the aspersions made by his contemporaries. These seem to have originated in reports set afloat by Sir Bevis Bulmer, who worked the mine for a time. He was an English adventurer, of whom a contemporary wrote that "he had always many irons in the fire besides those he looked on," and his career strongly resembles that of an unsuccessful modern speculator. About 1580 he had held a patent to search for gold and silver at Leadhills, but he returned to England where he resided until after the accession of King James, who bestowed on him the rank of knighthood, and at whose instigation he resumed his operations at Leadhills, which ended in disaster.[1]

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[1] Atkinson's "Discoverie and Historie of Gold Mynes in Scotland," Bannatyne Club, p. 47.

[2] Referred to in Register of Privy Council, vol. vii. p. 358.

[3] Acts of the Parliaments of Scotland, vol. iv. pp. 391-396.

[4] Register of Great Seal, MS. lib. xliv. 353.

[5] Calderwood, vol. vi. p. 689.

[6] Scott's Staggering State, etc., p. 69.

[7] Balfour's Annals, vol. ii. p. 22.

If, as popularly stated, he aided in discovering the mine at Hilderstone, it would also appear that he was recommended by the king to Sir Thomas as a proper person to work the mine. This is shown by the first sentence in the letter which Sir Thomas wrote to King James in September 1607, where he excuses himself for delay in reporting the state of the mine because the charge of it had devolved on Sir Bevis Bulmer, "in doing whairof," writes the advocate, "I respected more your highnes' satisfaction nor my awin weill." He had expected that Sir Bevis himself would report, "yet that tread being his profession, whairwith I wes litill acquent, I thoght it verie unseimlie for me to mak to your maiestie any information of the estait and wourth of these workeis, contrare to that whilk I understude he did giue owt alsweil by letters to your maiestie, as by speaches to many uthers, of the exorbitant valew thairof." This statement is corroborated by Atkinson, who himself was employed in the mine. He says of the first piece of ore extracted, "Mr. Bulmer did not trust to the first triall because it proved rich, but went to it againe and againe, and still it proved rich and wonderous rich." So great expectations had he of it that he named one shaft "God's Blessing."[2]

It thus seems that it was Sir Bevis Bulmer who spread the report of the great value of the mine, and he made such promises to Hamilton, that he "credulouslie" put him in possession of the working material, but found himself greatly injured by the contract. Bulmer renounced the works, and Hamilton was obliged to pay the wages left owing to the workmen. Bulmer had importuned a lease of the mine on certain conditions, but Sir Thomas found he had no stock, and no means of paying the large rent he promised, and he hopes the king will not blame his accepting the renunciation of the work, which might now be used for the benefit of his Majesty and kingdom, rather than let it lie waste, as Sir Bevis had left the royal gold mines in Crawford-moor. Sir Thomas proceeds to defend himself also against a charge, made by Bulmer, that he had concealed the true worth of the mine. He reminds the king that such a thing was impossible, since so many workmen were employed who knew the real value, besides which, Sir Bevis had done his best to hinder oversight by the agents of Sir Thomas. After further remarks on Bulmer's conduct, whom he accuses of attempted malversation, Sir Thomas declares himself quite willing to submit the value of the mine to a trial on behalf of his Majesty, and he trusts it may prove profitable.[1]

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[1] In August 1607 some of his mills and other works on Crawford-moor were destroyed by violence. [Register of Privy Council, vol. vii. pp. 446, 447.] His pupil, Stephen Atkinson, has left an account of him in his work, "The Discoverie and Historie of the Gold Mynes in Scotland," Bannatyne Club Ed., p. 40.

[2] Atkinson's "Discoverie and Historie of the Gold Mynes in Scotland," Bannatyne Club Ed., p. 48.

The next letter from Sir Thomas is dated 29th January 1608, between which time and the previous September matters had not progressed favourably. It would appear that a quantity of ore from the mine had been put on board ship to be sent to London for assay, but the vessel was wrecked, and the whole ore and cargo were lost in the sea. In consequence of this, and following out the terms of the letter from Sir Thomas already cited, the king, in November 1607, issued letters to the Scottish Council, and also to Sir Bevis Bulmer and others, directing that they, with Sir John Arnot and the Master of the Mint, should go to the mine and dig a further quantity of ore of every kind, good and bad, to the amount of ten tons. This was to be stored in barrels, which were to be inventoried and sealed up for transport to London. The Privy Council at first hesitated to give effect to this order without the consent of Sir Thomas Hamilton, he being the proprietor of the mine, but a letter from him to Sir John Arnot, giving the necessary authority, was produced, and the royal order was sanctioned.[2] In January 1608 the royal commissioners had begun to extract the ten tons, and the Privy Council then directed a small quantity to be taken from the whole, or in small parcels from each barrel, to be melted into one ingot, which was to be cut in two, one half to be sent to the king, while the other half was to be submitted to the Council, as a sample of the true value of the mine.[3]

A few days later, Sir Thomas Hamilton presented a petition to the Council, who, considering his ready consent to the taking of so much ore from his mine, even to his loss, ordered Sir John Arnot and others to see what the royal commissioners had done, and to receive from them the keys of the works to be restored to Sir Thomas, that he might regain full possession of the mine.[4] This act gave great offence to the king, and he expressed his opinion freely to the Council,[5] and apparently also to the lord advocate, whose letter to his Majesty in the end of January 1608 has a deprecatory tone. He pleads the ready consent he had given to the king's wishes about the ore, and assures his Majesty of his utmost willingness to do him service. He proceeds to explain that, during his absence in England, objections had been taken to the transport of the ore from Scotland, as it prevented the expected relief of the scarcity of money, which increased every day in all parts of the kingdom. Fearing further grudge on this account, he had offered to the Council more effectual performance of the king's will, but in a manner partaking less of novelty, which he hopes will be acceptable. He concludes, "I haue this day hard that the lairgenes and riches of the veyne arrysis evrie day more hopefull, whairof I thank God, and beseik him to grant your Maiestie most happie incres of all honour, health, and contentment."[1] Meanwhile the royal commissioners had finished their work, the ore had been duly wrought and placed in barrels for transport, and the whole weighed and inventoried according to orders. Thirty-eight barrels containing ore, were, on 1st February 1608, handed over to the treasurer-depute, Sir John Arnot—the barrels weighing 1171 lbs., and the ore and metal, "sparre and stone," weighing 20,224 lbs., by English troy weight.[2]

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[1] Letter dated Binning, 12th September 1607. The Melros Papers, vol. i. pp. 35-38.

[2] King's order dated 25th November 1607 ; Act of Council, 17th December 1607. Register of Privy Council, vol. viii. pp. 22, 23.

[3] *Ibid.* p. 34. 14th January 1608.

[4] 19th January 1608, *ibid.* p. 36.

[5] The king's letter to the Council has not been preserved, but is referred to in one of later date. *Ibid.* p. 496.

All this even did not satisfy James, as, by a letter dated 11th February, his Majesty summoned the lord advocate to London, with a copy of the grant of the mine. In acknowledging it, Sir Thomas states that he learns, with "infinit regrait and sorrow," that the king was offended at his proceedings in regard to the mine, and especially at his petition to the Council. His reason for taking that step was, he explains, that Sir Bevis Bulmer had been dealing with some of his neighbours to claim right to his lands, and had also endeavoured to gain the royal prohibition, forbidding him to re-enter to possession of the mine. In consequence thereof, on the king's command, Sir John Arnot had taken possession of the works, and so effectually, says the lord advocate, that Sir John had displaced his servants, and closed and nailed up the mouths of all the shafts, except such as were necessary to drain away the water. Some of his workmen had been present when the mine was closed, and this was construed into an offence, as if he wished to retain possession despite the king's mandate, but he assures his Majesty he had no such intention, and concludes with the usual submission to the king's will.[3]

The lord advocate dutifully obeyed the royal summons to London, but the result of the interview can only be surmised. The king's resentment manifested itself so far that the act of the Privy Council granting possession of the works was deleted from their records;[4] but otherwise the lord advocate remained in favour, apparently by a surrender on his part, though to what extent is not recorded. On his return from London he stated, in presence of the Council, that in performance of his promise to the king at the time when his Majesty arranged for satisfaction being given him for his right over the silver mine—in which he acknowledged his Majesty's "princlie, favourable, and liberall dealing towardis him"—he had offered to enter Sir John Arnot in the works. But Sir John, while he corroborated the lord advocate's statement as to the offer, refused to take possession, as he had no warrant from the king to do so.[1] The latter fact is probably explained by the appointment, a few days later, of Sir Bevis Bulmer as master and surveyor of the earth works of the lately discovered silver mine.[2]

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[1] 29th January 1608. The Melros Papers, vol. i. pp. 39-41.

[2] Register of the Privy Council, vol. viii. pp. 40, 41, 44.

[3] 19th February 1608. The Melros Papers, vol. i. pp. 41-43.

[4] Register of the Privy Council, vol. viii. p. 64.

That King James did give the lord advocate money for the mine is authenticated by a letter to him from Lady Jane Drummond, afterwards Countess of Roxburgh,[3] but there is no reason to believe that he deceived the king in any way as to the value of the mine. Stephen Atkinson, the writer already quoted, who was engaged in the mine, and afterwards assisted in refining the silver, gives testimony on this point. He himself, shortly after its opening, picked up a piece of ore which, when exhibited in London, called forth much admiration in those skilled in such matters, and he says that the vein in which he found it was "once two inches thicke, by measure and rule." The greatest quantity of silver got in the mine "was raised and fined out of the red-mettle," valued at £120 sterling the ton, some of it amounting to double that value. He adds, however, that after the king took possession the mine became less rich in silver. When Atkinson first refined the ore for Sir Bevis Bulmer and the lord advocate, he made for three days weekly, £100 a day. When part of the same ore was sent to London the profit was less, and when the ten tons of ore formerly referred to were assayed, the result was worse. Atkinson explains this by saying that in London the expenses for coals, wages, etc., were so much higher than in Scotland, that he gained more in one day in Scotland than he did in three in London. He further adds, that the deeper the vein was worked the less valuable it became.[4] Sir Bevis Bulmer, after getting full possession on behalf of the king in May 1608, wrought the mine till December 1610, but probably with no great success.[5] The mine and the later operations connected with it will afterwards be referred to.

Chapter Ninth.

STATE TRIALS OF 1608 AND 1609.

Perhaps the next most notable point of Sir Thomas Hamilton's career is the parliament held at Edinburgh in June 1609. He was indeed connected more or less with every affair of state, but on the occasion in question the king marked him out for special commendation, writing him a letter expressing the "great contentment" received from his services. It may be inferred from the extant records of the parliament that these services concerned the judicial acts passed by that assembly, as these related to two important processes of treason, for which the lord advocate had been preparing evidence during the preceding months, and the sentences passed by parliament crowned his labours.

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[1] 12th April 1608. Register of the Privy Council, vol. viii. pp. 71, 72.

[2] 25th April 1608. *Ibid.* p. 84.

[3] Vol. ii. of this work, p. 119.

[4] Atkinson's "Discoverie and Historie of the Gold Mynes in Scotland," Bannatyne Club Ed., pp. 48-50.

[5] *Ibid.* appendix, p. 94.

The history of the months between January 1608 and June 1609 is remarkable for great state trials, with all of which Lord Advocate Hamilton was concerned. Two of these only came before parliament, and two very important letters from him to the king relate to them alone. A short sketch of them is necessary in so far as regards Hamilton's own dealing with them, the trials in question being those of Lord Balmerino, Lord Maxwell, and Robert Logan of Restalrig. Minor trials were those of Margaret Hartside, a servant of the queen, accused of stealing her mistress's jewels, and of George Sprott, a notary in Eyemouth, which connects itself with the more remarkable case of Logan.

The earlier references in the year 1608, contained in the lord advocate's correspondence with the king, deal with the outbreak in Ireland of O'Doherty's rebellion and the burning of Derry. Later, the letters bear upon the expedition for securing order in the Western Isles of Scotland, which was so ably carried out by Lord Ochiltree.[1] With these matters, however, Hamilton only dealt as one of the Privy Council, while in the trials he comes prominently forward as lord advocate.

The first trial in point of date is that of Margaret Hartside. The account of the proceedings has been fully given by Pitcairn, where the speeches made by the advocate may be read.[2] This trial excited some attention among the Edinburgh lawyers, a number of whom wrote to the king stating their opinion on certain legal points.[3] This enraged his Majesty, and probably influenced his final sentence. The terms of the letter are not stated, but Balfour in his Annals apparently expresses the feeling of the day when he says that Margaret Hartside was tried for alleged theft, though the courtiers said that it was for revealing some of the queen's secrets to the king, which a wise chambermaid would not have done.[4] That this view was not without foundation may be gathered from copies of her depositions which were taken in presence of Chancellor Dunfermline, the Earl of Dunbar, and Sir Thomas Hamilton, in October and November 1607, some months before the trial. Most of the questions put to the accused related to her possession of or knowledge regarding particular jewels, but much of the examination dealt with various indiscreet speeches said to be made by her as to the king's dislike to the presbyterian ministers and preaching in Scotland, and charges of malice against the queen. She was questioned as to these, and also as to the queen's opinion of Scotchmen, and her Majesty's personal character. She denied all the assertions said to be made by her, and spoke highly of her Majesty; but the line of examination taken sufficiently suggests that the popular view was correct, and that the charge of theft was only a pretext.[1]

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[1] The Melros Papers, vol. i. pp. 44-49.

[2] Pitcairn's Criminal Trials, vol. ii. pp. 544-557.

[3] Cf. King's letter, 20th July 1608. Register of the Privy Council, vol. viii. p. 516.

[4] Balfour's Annals, vol. ii. p. 26.

Further corroboration of this may be found in letters addressed to their Majesties apparently by the examining judges, immediately after Margaret Hartside's first examination. The letter to the queen simply states that the accused denied generally the charges against her with a slight exception, but the letter to the king is more explicit. The judges say that they find by the depositions a clear testimony of their Majesties virtuous proceedings, so that if ever it can be proved "that Margaret Hairtsyde have spokin irreverentlie of any of your Majesties, scho hes done it aganis her awin knawledge and conscience, whilk bure hir witnes, and made hir to confes to ws, upon hir soule, that scho could not speak to the preiudice of your Maiesties, unles scho wald maliciously lie." The writers significantly add, that having need of a recorder of the depositions, etc., they have employed the advocate, knowing his affection to the royal service, "and that he will not discouer any thing whilk your Majestie hes commandit to be keipit secret."[2]

Previous to the trial, Sir Thomas Hamilton communicated with Queen Anna, who replied in the following letter, superscribed with her own hand:—

Anna R

Trusty and weilbeloued counsellour, although wee do heare that Hartsyde hath made choyse of your best and subtillest lawers for her defence, yet I will never doubt but your sufficiencie and loyal affection towards ws, and the equitie of that cause will so far prevaill as that their cavillous objections shall not be able to smother the truth, nor hinder me of my vndoubtedly expected contentement, which is that she may once be convict be an assyse, and so brought to our mercy, that the world maye be the better satisfeit, she the more dejected, and vnreverend blasphemies maye be stopped of their cours; the which how great contentement it wilbe to ws, wee lave it to your owne consideration. So wee bid yow hartely farewell, from Greenwich 14 Maii 1608.

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[1] Contemporary copies of depositions in Haddington Charter-chest.

[2] Letters, dated 8th October 1607, unsigned, but the drafts of which have been preserved by the lord advocate.

To our trusty and welbeloued counsellour Sir Thomas Hamilton, Aduocate.[1]

In terms of this letter the trial proceeded, and Hartside was defended by some of the most eminent advocates. It ended in her virtual acquittal as to the charge of theft, though she was found guilty of detaining the jewels in her possession. There is reason to believe that the judges were inclined to leniency, and the Privy Council themselves, including Sir Thomas Hamilton, after the trial, urged upon the king that the capital sentence could not be executed, recommending banishment instead; whereupon the king ordered her to be declared infamous, and banished to the Orkney islands, which doom was accordingly pronounced about three months after the trial.[2]

The next important trial in order of date was that of George Sprott, a notary in Eyemouth, Berwickshire, who was charged with being privy to a treasonable compact between the late Earl of Gowrie and a Berwickshire laird, Robert Logan of Restalrig, which culminated in the Gowrie conspiracy of 5th August 1600. The history of Sprott and the circumstances of his trial will be found fully stated in contemporary historians, and in Mr. Pitcairn's collections, and details are therefore unnecessary here. Nor is it needful in this place to enter into or discuss the question of the Gowrie plot, which has already been treated of by numerous writers. Sir Thomas Hamilton, however, has preserved the principal of Sprott's depositions, and it is proposed to add from these a few facts not hitherto generally known.

Sprott was arrested in April 1608, in consequence of some incautious expressions on his part as to his relations with Logan, who had died in 1606, and whom he stated to have been privy to the Gowrie conspiracy. Sprott was examined before the Privy Council, and at first adhered to his charge against Logan, but on being tortured, he recanted his statements, and declared Logan was not guilty. So the matter remained until the Earl of Dunbar came from Court to attend the General Assembly at Linlithgow. He took an interest in Sprott's revelations, and is said to have relaxed his confinement, and by kind measures induced him to revert to his original accusations and assertions. The earl reached Edinburgh on 1st July, his first recorded appearance in Council is on 5th July, and on the same day is dated the earliest of Sprott's depositions or confessions which has been preserved in the Haddington Charter-chest. It would appear, however, that there were others of a former date.

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[1] Original in Haddington Charter-chest. Cf. also letters from Lady Jane Drummond (afterwards Countess of Roxburgh), vol. ii. of this work, pp. 118, 119.

[2] 24th June 1608. The Melros Papers, vol. i. pp. 49-51.

In this confession, which is described by the lord advocate as "writtin all with his (Sprott's) awin hand, and send be him to the Erle of Dumbar," Sprott says, "I will tak on my conscience, and will gang to deid with it, that the laird of Restalrig knew of the conspiracie of the Erle of Gowry. Becaus I knew perfytlie that thair wes tua seueral letteris at syndry tymes sent fra the Erle of Gowry and his brothir to the laird, quhairof the ane cam to Fastcastell and the other to Gunnisgrene, for I knew that the laird sent laird Bour with the ansueris thairof, and a lang tyme thairefter Bour let me [see] the first of Gowryis letteris, with ane directioun that [he] gat fra the laird to him to cum to him in haist for to ryd in his commissioun to the erle of Gowry concerning the lands of Dirltoun, quhilk directiown to Bour himself is amang the rest of the letters producit." The remainder of this confession contains nothing of special importance, or relates to matters posterior to the Gowrie affair. One sentence refers to an alleged correspondence between the "Laird and Persy," but no further allusion to or explanation of the statement is given. The conclusion of the confession, however, is remarkable:—"And thir thingis I testifie to be of veritie on sure, resolued, and cleir conscience, as I wald ansuer to God, nochtwithstanding of that, that I purgit the laird of the wryting of the letteris producit, for, indeed, I confes to my awin schame, and Godis glory, I formed and framed thame all to the trew mening and purpose of the letter that Bour let me se to mak the matter the mair cleir be thir argumentis and circumstancis, for the cause I shew to the lordis of befoir, and in signe and token heirof I haif subscryuit thir presentis with my hand the sext of July.—G. SPROTT."[1]

The statements in this confession as to letters from Gowrie and his brother were repeated more or less distinctly in later utterances by Sprott. On 15th July 1608 he was again examined, and on that occasion he repeated, from memory, the substance of Gowrie's letter to Logan, the letter which was afterwards quoted in Sir William Hart's statement of the case, and which Sir William has been accused of concocting.[2] Sprott, however, gave the letter as quoted by Hart, but did not produce it, nor did he give the date. He said that Logan wrote an answer and sent it by Bower, and he then gave the account of Logan's movements founded on by Sir William Hart in his statement. He asserted that Bower, Logan's confidential agent, showed him one letter from Gowrie, and told him of another from Alexander Ruthven, but the examination goes on—"Demandit if that letter written from Restalrig to Bour,[3] desiring him to come to him anent the mater of Dirltoun be Restalrigis awin hand-write. Deponis that the laird causit the deponer wryte the first letter, and the deponer copyit that letter producit, off the principall and counterfute the same as writtin be Restalrig himself." Sprott also admitted that he had "counterfute" other letters and orders by Restalrig, and had used such to obtain goods. In one case, after the laird's death, he went to Berwick, and received from a man named Headshaw a boll of wheat, "at which tyme the deponer delyuerit [to Headshaw] ane counterfyte warrand writtin be himself in his commoun hand under the counterfyte wryte of the laird in the subscriptioun, with ane other as directed by the laird . . . quhilk wes lykwise counterfute be the deponer in the body and subscriptioun."[1]

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[1] Original MS. in Haddington Charter-chest.

[2] Cf. Pitcairn, vol. ii. pp. 272, 273; The Tragedy of Gowrie House, by Louis A. Barbe, 1887, p. 133.

[3] See letter printed in Pitcairn, vol. ii. p. 283; also in the Acts of the Parliaments of Scotland, vol. iv. p. 420. In both cases the date of letter is erroneously given as xviii July 1600. The official copies make it xxiii July.

On the following day, 16th July 1608, Sprott stated that, in November 1602, after the sale of Fast Castle, Logan and Bower destroyed certain letters, though Bower then denied having any letters from Gowrie, but produced one from his brother, and one from a Mr. Andrew Clerk, both of which were burned. John Baillie of Littlegill, who, according to Sprott's oath, was aware of the burning of these letters, was also examined, but denied on oath that and other assertions by Sprott.[2] On 22d July Sprott referred to certain conferences between the laird of Restalrig and his retainers, Matthew Logan and others, and they were also examined, and denied Sprott's accusations.[3]

On 6th August 1608, Sprott, again examined, declares he has no hope of life, and acknowledging his offence against the king, repeats his former statements about conferences. Two remarkable queries were put to him on that day: "First, if he abydis be his former depositioun anent Kynfauns, that the letter beiring Richt Honourable Sir wes directed to him; and if he abydis be his depositioun maid anent the constable of Dundie," to which Sprott writes an answer with his own hand, confessing "that thir letters wer not writtin nor to be directed to thir persons, but only imagined be me, as I haif declared, and cravis thame mercy for my former wrangous depositioun.—G. SPROTT."[4]

On 8th August Sprott adheres to the truth of his former depositions, even if he should die for them. He then proceeds to narrate certain transactions between Logan, Lord Willoughby, governor of Berwick, and Sir John Guevara in the year 1601, relating to some commercial enterprise, and Logan's intention to leave Scotland, apparently on account of debt. On this day also Sprott was confronted with Matthew Logan, who solemnly denied all averments as to conferences, etc.[5]

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[1] Original deposition, 15th July 1608, signed by Sprott, and by the Earls of Dunfermline, Dunbar, and Lothian, with others, as examiners.

[2] Original depositions, 16th July 1608, not signed by the examiners, but authenticated by the signatures of Sprott, and James Primrose, clerk of the Privy Council.

[3] Original deposition, signed by Sprott and three examiners.

[4] Original deposition; the other depositions referred to do not appear to be preserved.

[5] Original deposition, 8th August 1608, signed by Dunbar, Lothian, and others.

On 9th August, three days before his actual trial, Sprott is plainly told that he is doomed. He adheres to former depositions, and is then asked why he had varied in his statements, first in accusing Logan of the writing of the letters and missives produced, then, in acquitting him of such writing, and again accusing him of being guilty of foreknowledge of Gowrie's treason. He replied that, to his own shame, "he did wrang in dilaiting (accusing) of Restalrig to be the writter of these missives," but in this he "had no purpois nor intention to clenge (acquit) him (Logan) of his foirknawlege of the treasoun." He then declares that all his former statements as to Logan's foreknowledge are true.[1]

In the face of the above statement, the question naturally arises, who did write the letters, and on this point Sprott, on the following day, made the most remarkable of all his statements. It does not appear whether the missives referred to on 9th August were those afterwards produced at Logan's trial or not, but it has always been a question among historians as to whence those letters were obtained. On 10th August 1608 Sprott uttered that confession which afterwards formed the basis of the indictment against him. The indictment, which has been printed in full by Pitcairn,[2] founds only on *one* letter, whereas *five* were produced at the trial of Logan. The indictment follows Sprott's own narrative with sufficient accuracy in general detail, but the latter contains in addition one or two points which, if true, are of the utmost importance.

Sprott relates, as told in the indictment, that in the month of July 1600, when at Fast Castle, he saw Logan begin a letter to Gowrie. After writing part of the letter Logan went out, and, taking advantage of his absence, Sprott obtained possession of the document, which he found "betuix the bonkour (bench) and the wall at the bord heid, quhair the laird satt at his meatt," read what was written, and replaced it. He saw no more of the letter at that time, but Bower having shown him the one from Gowrie formerly mentioned, he began to suspect something treasonable. About three months after the Gowrie tragedy the laird was at Berwick arranging some matters with Lord Willoughby, Sir John Guevara, and others, Bower being with him, when Sprott met the latter, who, among other things, told him he "wald shortlie heir what the laird wald do about the turne he had ado with the Erll of Gowry, for now he wes taking some ordour with such men as hes bene acquent in these materis, and I trow he sall go oute of the cuntrey." On coming home, Sprott goes on, the laird ordered Bower to bring him the letter referred to, which was to be returned to the writer, or to burn it. While Bower was looking over his papers for it, "the deponer, sichting the same, at Bour's desyre, becaus he could not reid," abstracted the document, and pretending he could not find it retained and read it. So runs the indictment, but Sprott's words are, "whiche letter the deponer retenit in his awne handis quhill [till] he framed thre new letters upoun it." He then goes on to give the remaining contents of the letter as narrated in the indictment.

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[1] Original deposition, 9th August, signed with a special affirmation by Sprott, and also by the examiners present.

[2] Pitcairn, vol. ii. pp. 256-259.

Apparently the contents of the letter were given from memory, and the date is not mentioned, as he states that the letter was in his chest among his writs where he had left it when arrested. He protests that he is now telling the truth, knowing he is to die.[1] On the 11th August he was again examined as to a particular passage in the letter, and on the 12th he was tried and executed, under circumstances which have been fully narrated by contemporary historians.

Sprott's fate probably excited no great sympathy, as he, even by his own account, was a man of degraded moral principle. But his trial led up to and was followed by one of greater importance, which was brought before the parliament in the following year, and which, though not next in order of date, may here be noticed. This was the process in which Logan of Restalrig, the alleged fellow-conspirator of Gowrie, was summoned to answer for his offence in concealing his knowledge of the intended crime. Logan had died in 1606, but according to the then law of treason, the summons of forfeiture was directed against his heir, and it would appear that the remains of the deceased were exhumed and produced in court.

It was on 14th February 1609 that Lord Advocate Hamilton received formal instructions to prepare a summons of forfeiture against Logan,[2] but the necessary papers must have been provided before that date, as the writ was sealed on the following day.[3] The parliament before which the accused were summoned to appear met on 15th June 1609, and as soon as possible after its opening the lord advocate brought forward his case, which, however, was not well received. So much difficulty did the case present, and such "hard opinions" were formed of it, that, as the lord advocate tells the king, "they wroght feir and mistrust in the myndes of dyuers your Maiesties weill affected seruandis." The Earl of Dunbar, however, by his care and fervency, bent "his wittis in more passionat maner," dealing with the lords of the Articles and others, and giving his support to the lord advocate, so that he left little trouble to the latter, except that of repeating the substance of Dunbar's information.[4]

The united efforts of Dunbar and the lord advocate gained the desired end. There is no need to enter into the details of the case, which is recorded in the Acts of Parliament, and in the Criminal Trials by Pitcairn.[1] A note of the actual productions may, however, be given from a summary in the lord advocate's own handwriting. He first produced, as usual, the summons against Logan, and executions thereof, then the sentence pronounced against Gowrie and his brother in 1600. For proving Logan's knowledge and concealing of the plot, he produced "thir fyve missiue billis, all writtin with the said vmquhill Restalrig's owne hand, the first daited the xviij day of July 1600, beginning, 'Right honorable sir.' The secund lykways daited the xviij of July, beginning, 'Laird Bour.' The third daited the 27 of July 1600, beginning, 'Right honorable sir.' The fourt daited the 29th of July 1600, direct to the traitour Gowrie himself, beginning, 'My lord, etc.' The fyft daited the last of Julii 1600, beginning 'Right honorabill sir, etc.'"[2] The lord advocate next produced "the judicial confession" of the late George Sprott, and also the conviction against him, with his deposition on the scaffold. In addition there was the evidence of witnesses, who all, in good faith, swore that the handwriting of the letters was Logan's.[3] The lord advocate, in his letter to the king, admits that it was the honesty of the witnesses which impressed the committee on the Articles, and in the end the parliament voted the terms of the summons to be proven, and sentence of forfeiture was pronounced against Logan and his family.

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[1] Original deposition, 10th August 1608, authenticated by signatures of Sprott and the officials, in Haddington Charter-chest.

[2] Register of the Privy Council, vol. vii. p. 246.

[3] Acts of the Parliaments of Scotland, vol. iv. pp. 424-426.

[4] The Melros Papers, vol. i. pp. 67, 68. Hamilton's letter to the king, 21st June 1609.

The process against Logan was preceded by another important trial, that of James, first Lord Balmerino, who was charged with surreptitiously obtaining the signature of King James the Sixth to a letter, in 1598, addressed to Pope Clement VIII. This accusation, as is well known, arose out of statements made by certain Roman Catholic authors against King James, that he had at one time studied to gain the favour of the pope. Remembering that Balmerino, then Sir James Elphinstone, was secretary at the date in question, King James summoned him to London. After various conferences with the king and others, Balmerino resolved to set aside all he could have pleaded in his own defence, and "come in the king's will," by making a most abject submission and declaration of his guilt. He was further humiliated by being obliged to confess his treason before the English Privy Council, when he was degraded from its membership.

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[1] Pitcairn, vol. ii. pp. 276-293. Acts of the Parliaments of Scotland, vol. iv. pp. 424-428.

[2] The dates of these letters as given by the lord advocate are important. The first and second are both dated on 18th July, but as the first in the original is written from Fast Castle, while the second is written from the Canongate, where Logan could scarcely be on the same day, a discrepancy arises. Moreover, Sprott, in one of his confessions, says Bower was with Logan in Edinburgh. One official copy of Bower's letter makes it of date 23d July, but the letter actually produced reads 18th July, no year. The fourth letter, as produced, is dated 29th July, at Gunsgreen, but is identical with the one libelled on as stolen by Sprott, which, according to him, was written at Fast Castle. These and other discrepancies probably caused the hesitation of the lords of the Articles.

[3] Memorandum of productions, in the handwriting of the lord advocate, in Haddington Charter-chest. From his referring to only one judicial confession of Sprott's, it is doubtful which of the many Sprott uttered was produced, and, if they were all produced, the inconsistencies contained in them might well stagger the judges, especially when only five letters were produced, which is just the number, including that to Bower, which Sprott declares he stole, copied in Logan's hand, or "framed." Sprott, however, was consistent in his assertion of Logan's guilty knowledge apart from the letters.

This was in November 1608, and in December Balmerino was sent down to Scotland under guard, there to wait the king's further pleasure. That was expressed in the following month by a letter from the king to Lord Advocate Hamilton, intimating his resolution that Lord Balmerino should be tried for treason before a commission, and desiring him to prosecute.[1] The command was not unexpected, as the lord advocate had already learned something of the king's intention from Archbishop Spottiswood, but it is probable it was not really welcome. In a letter to Sir Alexander Hay, the lately appointed secretary, Hamilton writes towards the end of December 1608, in answer to a letter from the secretary, desiring him "to foirsie how" to satisfy the king in Balmerino's affair, and thanking him for his love to himself, "who, both in the opinion of the world and in effect, have bein my lord Balmerenois freind, alsweil in remembrance of our auld familiaratie at first contracted at schoolis, as of our coniunct imploymentis in diuers his Maiesteis services thir manie yeiris ago, and thairby may incur not onlie suspition, bot blame and disgrace, if anie thing shal be omitted in that accusatioun quhilk becumis my place and chairge." The lord advocate also asks for further information in the case, and expresses his anxiety to serve his Majesty.[2]

Besides the fact of his old friendship with Balmerino, Hamilton appears to have feared the result of a trial on another ground. He knew Lord Balmerino's talents, and his knowledge of law, and he seems to have thought that if the accused chose to set aside his confession, as he might have done, and to defend himself, the result might be unfavourable to the king. So anxious was the advocate on this subject that, after being present at an examination of Lord Balmerino at Falkland,[3] he wrote letters both to the king and the Earl of Dunbar stating his difficulties, and guarding himself, as it were, against the event of failure. To the Earl of Dunbar he wrote, "I am resolued cairefullie and faithfullie to prosecute that mater according to the precise and wyse reule set downe to me in his Maiesties letters;" but he goes on to give a long list of objections which might be pleaded by Balmerino. He concludes by saying that "albeit I foresie that these and many ma obiections may be maid be oure aduersaries to extenuat the fact and mak it to be accompted of lesse consequence and danger nor is intended, yet I sall so cairefullie meditat vpon all that can be said alsweill to elyde thair defensis as to procure his Maiesties intent in this mater." He trusts, however, that Dunbar, according to his "most honorabill custume in all his Maiesties seruices of suche consequence, will provyde that the justice, assessoures, and assysours, may be rightlie selected, who will go foruard justlie and honorablie . . . that his Maiestie sall ressaue that contentment whilk he justlie expects," etc.[1] To the king, the advocate wrote, three days later, more briefly, but in a similar strain. He acknowledges some arguments supplied by some civil lawyers in England, upon which, however, he says, "I dar not weill relye, because I foresie that I am to persew ane man more skilfull to pleade his lyfe nor (than) any that wes broght to the bar in this your Maiesties kingdome thir hundreth yeiris bygane, and who may expect suche assistance of the best of oure lawers, . . . yet, knowing it to be my dewtie to be reddie for the worst which he or his assistants can be abill to intend, I sall be cairefull so to prepaire all thinges necessar for that persute, as your Maiestie sall have full satisfaction," etc. He also trusts in the aid to be given by the Earl of Dunbar, who will take care that those who will try the case shall "neither get leisour nor leive to neglect or oversie thair dewtie."[2]

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[1] King's letter and warrant, dated 9th January 1609. Pitcairn, vol. ii. pp. 577, 578.

[2] Draft letter, 27th December 1608, in Hamilton's own hand. Vol. ii. of this work, pp. 215, 216.

[3] Falkland, 2d February 1609. Pitcairn, vol. ii. pp. 575, 576.

The indictment against Lord Balmerino was sent to the king himself for revision; and in reference to it, and probably also to the preceding letter, Sir Alexander Hay wrote to the advocate on 21st February 1609: "The last letter your lordship sent hither wes very acceptable; that other thing with it wes re-formed in many poyntes as your lordship will know by my lord Dounbar, to whome it wes sent, nevir taking notice that I wrett anything thereof. The kings Maiestie said your lordship had done als muche as any alive culd haif done, having not bein heir when his (Balmerino's) examinatioun wes. The only thing that he quairellit in the dittay [wes] that it did expres too muche of these excuises and apologies that he maid heir for his owne defence. The assuirance you haif gevin by your letter, and the goode report written by my lord Dounbar to his Maiestie of your fordwardnes in this turne, hes gevin the kingis Maiestie greit contentment, and hes abolishit the remaynes of jealousie that wer, as there wes ones too muche of it."[3]

All the anxiety of Hamilton and Dunbar in regard to Lord Balmerino proved to be unnecessary. His trial took place at St. Andrews on 9th and 10th March

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[1] Original letter to Earl of Dunbar, 6th February 1609. Vol. ii. of this work, pp. 216-218.

[2] The Melros Papers, vol. i. p. 66, 9th February 1609.

[3] Original letter, 21st February 1609, in Haddington Charter-chest. As a curious set-off to the more serious part of his letter, Sir Alexander Hay concludes by asking Hamilton to aid a friend of his in securing a privilege or monopoly "of making of washing sope within the kingdom," as the king will do nothing without learning from the council "that it is not prejudiciall to the staite."

1609, and though, according to his own statement, he at one time thought of standing on his defence, he abandoned that idea, and repeated his former confession. He was therefore found guilty. As is well known, he was afterwards sentenced to death for high treason, but the sentence was never carried out. He remained a prisoner for a time, but, a few years later, his confinement was made easier. He died in 1612, and his family were rehabilitated by an order from the king in August 1613.[1] With Hamilton's exertions in the trial, however, the king was well satisfied, and wrote him a special letter of thanks, assuring him that his services would not be forgotten.[2]

The last state trial with which Sir Thomas Hamilton was concerned at this time was that of John, ninth Lord Maxwell, who was indicted for various crimes, including the slaughter of the laird of Johnstone in April 1608. In the end of the year 1607 he had been imprisoned in Edinburgh Castle, from which, on 4th December of that year, he made an adventurous and successful escape. A month later the lord advocate wrote to King James, asking instructions as to proceeding against the fugitive. Lord Maxwell meanwhile concealed himself among his own clan in Nithsdale, until the slaughter of Johnstone, after which he succeeded in leaving Scotland.

He was still a voluntary exile when proceedings were instituted against him before the parliament in June 1609, and, in his absence, was declared guilty of treason, and sentence of forfeiture of life and lands pronounced upon him. For this result, and for the issue of the Logan trial, the king gave, as already stated, special credit to Sir Thomas Hamilton, of whom the Earl of Dunbar and Lord Balfour of Burley had reported favourably. The king refers to the great pains, care, and diligence used, and dexterity shown by Hamilton in the parliament, in furthering the royal service, and procuring success to the king's desires, and assures Hamilton he will not be unmindful.[3] A few years later this promise was fulfilled, and it cannot be doubted that his services in the parliament of 1609 raised Hamilton greatly in the good graces of King James, and formed a distinct step in his career.

CHAPTER TENTH.

BECOMES LORD CLERK-REGISTER—SECRETARY OF STATE—IS CREATED LORD BINNING.

1609—1613.

THE next few years do not present anything of special interest affecting Sir Thomas Hamilton's own personal history, although both from his official position, and from other causes, he was more or less concerned with the chief events of the period. A few of these may be mentioned to illustrate his own career, though, with one exception, it cannot be said that any of them were of great importance.

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[1] Pitcairn, vol. ii. pp. 568-604; vol. ii. of this work, pp. 74, 75.

[2] 22d March 1609. Vol. ii. of this work, p. 71.

[3] The Melros Papers, vol. i. pp. 73, 74. 9th July 1609.

The exception was an act of the parliament of 1609, which did not fall under the scope of the previous chapter, but which may be noticed here as one of those pieces of legislation directly inspired by King James himself in furtherance of his schemes for episcopal church-government, and Sir Thomas Hamilton was his instrument for carrying it out. The act in question was that styled "Act of the commissariats and jurisdiction given to archbishops and bishops," by which was restored to them the power of constituting their own courts for the trial of consistorial cases, will cases, divorce cases, and the like, while all other courts of a similar kind were to cease.[1] Such an act necessarily did much to increase the rapidly advancing power of the prelates, and it might almost be inferred, from the terms of the letter which the king addressed to Hamilton on this act, that he was not very willing to see the bishops thus aggrandised.

The king begins by reminding Sir Thomas that as none of the Privy Council can be ignorant that the establishment of the bishops and the restoration of their estate is his Majesty's "owne proper motioun," not suggested by any one else, "so we think that you do know as muche thereof as another, since your place as oure aduocatt, and oure many directionis gevin at sindrie tymes, for thir materis might haif sufficientlye persuadeit you that this turne of the bishoppis restitution is a thing wherein we hold oure selfis particularlye interessit, the crosseris whereof wilbe reputed by ws evill affected to oure service." The king, therefore, as the act of commissariats is now in hand, and the word "jurisdiction" had been omitted in a former act only on account of difficulties made "by the manteynaris of presbyteryis," urges Hamilton to "lett not the unwillingnes of any to this oure intention, or the obiectioun of difficulteis be a hinderance to this worke; bot since it becometh you as oure aduocatt to pleade for the forderance of any thing that is oure pleasour and determinatt will, so we wish to sie in this busynes a particular pruife thereof, as you wald deserue oure speciall thankes, and eschew oure repruife, and so biddis you fairueill."[2]

It is certain that the proposed act was strongly objected to. So at least the archbishop of St. Andrews reported to the king a few days after the above letter. He writes that the Earl of Dunbar had busied himself about the commissariats, and had called a meeting of clergy and lords of session to confer on the subject, when the lords suggested so many objections and difficulties as likely to ensue, that the parliament would probably reject the scheme unless these were removed. He added that it had required several days' conference to bring matters to a favourable result, notwithstanding that he and Dunbar had strongly urged the king's wishes in the affair.[1] Whether Hamilton was one of those lords of session who thus objected does not appear, but if so, the king's peremptory epistle no doubt influenced him, as in the next letter from his Majesty he thanks Hamilton for the great pains taken by him in framing certain articles to be moved at the ensuing parliament, and which the king had revised.[2] These were, no doubt, the acts affecting the bishops.

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[1] Acts of the Parliaments of Scotland, vol. iv. p. 430.

[2] Letter, 24th March 1609. Original Letters relating to Ecclesiastical Affairs, Bannatyne Club, vol. i. pp. 406*, 407*.

It is probable, however, that if the lord advocate disliked the act in question, it was not in opposition to the king's will, but because he feared that the prelates would encroach on the royal prerogative. After the parliament, he wrote on this very subject to his Majesty in regard to some privileges claimed by the archbishop of St. Andrews, and disputed by the officers of state. Hamilton tells the king that he had just had a debate before the Council with the prelate, who founded on the "golden charter" given to his predecessor, Bishop Kennedy. The advocate expresses his fear that the king's customs would be abolished at St. Andrews, while he enumerates other gifts made by the archbishop, which might greatly prejudice the king. He had therefore framed an act of submission (passed by parliament), in which the prelate expressed his willingness to yield to the royal decision upon the matters in debate.[3] He believes his conduct in this affair will breed him "mislyking," but he trusts that if his Majesty hear any "change of report" regarding him, he will remember the cause, and not alter his gracious opinion.[4] This letter appears to have had an effectual result, as in the following October the king appointed five special commissioners, of whom, however, Hamilton was not one, to oversee the various benefices, examine titles or gifts granted by the bishops, and generally to prevent dilapidations by the present holders of the bishoprics.[5]

At a later date Hamilton was nominated as a member of the court of high commission, which was appointed by the king in February 1610. It was intended to deal with cases of scandal, heresy, etc., and was considered at the time as likely to prove one of the chief engines for promoting episcopal authority in Scotland. But as the decrees of the court were subject to review by the court of session, it never attained that power which was exercised by the court of the same name in England.[6] It may be added, while dealing with ecclesiastical affairs, that Sir Thomas Hamilton is not named as a member of the General Assembly of the Kirk, held at Glasgow in June 1610, when presbytery was virtually abolished for a time.[1]

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[1] Letter, Archbishop Gladstanes to King James, 7th April 1609. Original Letters relating to Ecclesiastical Affairs, Bannatyne Club, vol. i. p. 197.

[2] 9th May 1609. The Melros Papers, vol. i. pp. 70, 71.

[3] Acts of the Parliaments of Scotland, vol. iv. p. 453.

[4] 24th June 1609. Original Letters relating to Ecclesiastical Affairs, vol. i. pp. 411*-413*.

[5] 8th October 1609. *Ibid.* pp. 413* *et seq.*

[6] For terms of commission, see Calderwood, vol. vii. pp. 57-62.

In the beginning of 1610, King James reduced the number of his Scottish Privy Council from ninety nominal members to a working body of thirty-five. There were special conditions attached to the office, but these were compensated by additional privileges.[2] Of the new council Sir Thomas Hamilton was a member, and continued to be one of the most active of the officers of state. He was about this time officially connected with one or two criminal trials of some notoriety. The first was that of Patrick Stewart, second Earl of Orkney, who was accused of oppressing his tenants and vassals in Orkney, and extorting money and goods from them to keep up an extravagant state which he affected. He had been, it is said, a favourite of King James, but was driven from Court by the intrigues of Robert Ker, created Earl of Somerset, and retired to his possessions in the north. There he conceived the idea of establishing himself as an island sovereign wholly independent of Great Britain, and surrounded himself with all the "pomp and circumstance" of a court. But his desire to aggrandise himself led to such intolerable oppressions that the islanders cried out against him; and as remonstrances on the part of the government were of no avail, in July 1609 the Privy Council committed the earl to the castle of Edinburgh. He made several attempts to procure his release, but these were ineffectual, and he was summoned by the lord advocate in June 1610 to answer for his crimes. The trial, however, was frequently postponed, and did not take place until the year 1615, when Hamilton was no longer advocate.[3]

The other case and one of the latest, as well as one of the most remarkable, trials in which Sir Thomas Hamilton was engaged, was that of John Mure, elder, and James Mure, younger, of Auchindrane, with their accomplices, who were accused of the murders, in cold blood, of Sir Thomas Kennedy of Culzean and a young lad named William Dalrymple. The details need not be given here, as the story will be found in Sir Walter Scott's preface to his drama on the subject, known as "Auchindrane, or the Ayrshire Tragedy." Suffice it to say that Sir Thomas Kennedy of Culzean was slain in January 1597, and the elder Mure, though suspected of the crime, was acquitted for want of evidence. Some years later, however, he murdered the lad William Dalrymple, whose testimony he dreaded as the sole witness who could connect him with Kennedy's death, and this second crime led to his arrest and that of his son. After a long and well-defended trial they were, on July 17, 1611, found guilty and executed.

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[1] Calderwood, vol. vii. pp. 104-107.

[2] Register of the Privy Council, vol. viii. pp. 815, 816.

[3] Pitcairn, vol. iii. pp. 81-87, 308-327.

This case has excited much attention among antiquaries, because in the defence reference is made to the old supersitition, that the corpse of a murdered person would bleed on being touched by the murderer, it being averred by one witness that the two lairds of Auchindrane were quite willing to submit to this ordeal, and to touch Dalrymple's body. The chief interest, however, which the trial has in connection with the subject of this memoir, lies in the fact, that he addressed a long and careful narrative of the whole tragedy to a nobleman at court; probably to his brother-in-law, the Earl of Somerset. This narrative was intended for perusal by his Majesty, who had taken a great interest in the case, and who was so convinced of the guilt of the parties, that when they seemed likely to escape justice a second time for want of evidence, he ordered both to be kept in prison, and the younger Mure to be tortured, to compel a confession. Referring to this, Sir Walter Scott says that Sir Thomas Hamilton drew up his statement " for the purpose of vindicating to the people of Scotland the severe course of justice observed by King James VI." Sir Walter adds, somewhat sarcastically, that Sir Thomas " assumes the task in a high tone of prerogative law, and on the whole seems at a loss whether to attribute to Providence, or to his most sacred Majesty, the greatest share in bringing to light these mysterious villanies, but rather inclines to the latter opinion."[1]

After having held the office of lord advocate, with marked ability, for the long period of sixteen years, from 1596 to 1612, Sir Thomas Hamilton was appointed to the office of lord clerk register in place of Sir John Skene of Curriehill. His patent, which is dated at Whitehall, 21st April 1612, refers to his distinguished erudition and capacity for this post, which was resigned into the king's hands by Sir John Skene, on account of his age and infirmity, in favour of his son, Mr. James Skene, who also had made resignation of the same into the king's hands. The appointment of Sir Thomas dates from 7th May 1612, when the patent passed the great seal, and his last act as lord advocate, instructed by the king a few days before, was to provide out of the lordship of Scone an annuity of 500 merks for Andrew Henderson, sometime chamberlain to the late Earl of Gowrie, who had played the part in the Gowrie plot of the " man in armour."[2] According to Spottiswood, the lord advocate's promotion to be lord clerk register was the least acceptable of the various changes of office made at this time, not because his abilities were insufficient, but because it was thought he had obtained the post in an irregular manner, Sir John Skene having, it is said, been unfairly treated. But Spottiswood's own testimony, at a later date, in a letter from himself to King James, entirely refutes the statement made in his History, while Hamilton himself acknowledges his dutiful indebtedness to Sir John Skene for his "gudewill in the office of clerk of register."[1]

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[1] Pitcairn, vol. iii. pp. 124-180. Sir Walter Scott's poems, Chandos ed. pp. 484-488.

[2] Letter from King James, 6th May 1612; Melros Papers, vol. i. pp. 90, 91. Original commission in Haddington Charter-chest.

Although the office of lord clerk register must have been a very congenial one to a man of the historical and antiquarian tastes of Sir Thomas Hamilton, he was destined to hold it only for the very brief period of two months. On 24th July 1612 he was called to occupy the more important post of secretary of state,[2] then held by Sir Alexander Hay of Newton, who was made lord clerk register. From this time, as may be expected, the correspondence between the king and Hamilton becomes more frequent. The first notice of him after his appointment is in a letter to King James from George Gladstanes, archbishop of St. Andrews, where the new secretary is referred to as joining in preparations for the approaching parliament, which was to be held in October 1612. The prelate expresses considerable animus against the chancellor, the Earl of Dunfermline, who was no favourite with the clergy, while on the other he thanks his Majesty for his "choyce of my lord secretare to be our formalist and advyser of our acts, for we find him wyse, fast, and secret." In a later sentence Hamilton is spoken of as "the fourtenth bischop of this kingdome; bot my lord of Glascow and I ar contending to which of the two provinces he shall apperteane; your Majestie, who is our great archbischop, must decyd it."[3]

The Parliament met as appointed in October 1612, and its result was satisfactory to the king and bishops, as one of its chief acts ratified the Glasgow Assembly of 1610. Another act granted to the king the large sum of £240,000 Scots, on the occasion of the marriage of the Princess Elizabeth to the Elector Palatine. In promoting these and other enactments the new secretary doubtless did his part. But his earliest extant letter in his new capacity treats of the allowance to be paid to the imprisoned Earl of Orkney for his maintenance, and also of the vexed question of the Clan Gregor, who were then under the royal ban for their turbulence. Later letters refer to the same subject, as the Highlands and Islands received a good deal of Hamilton's attention at this time, and the attention of King James himself.

There was under consideration a plan of feuing the isles, especially the West and North Isles, which, the king complains, had been unprofitable, not only from the small rents due to the Crown, but because of their irregular payment, while the turbulence and savagery of the inhabitants cost the country so much for fitting out expeditions against them. The king therefore desired the secretary and others to endeavour to find "any dewtiful obedient and responsall subjectis" who would take feus of competent portions of the islands and pay a settled rent. His instructions lay down conditions to be observed by the proposed feuars, and though their date is not given, they are apparently connected with two letters from King James dealing with the Highlands in June 1613.[1]

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[1] History, Spottiswood Society ed. vol. iii. pp. 214, 215. Cf. Original Letters, etc., Bannatyne Club, vol. ii. p. 383; The Melros Papers, vol. i. p. 105.

[2] Commission in Haddington Charter-chest.

[3] Original Letters, etc., vol. i. pp. 294-296. So great was Hamilton's favour with the clergy at this time, that it was rumoured that he was to be made lord chancellor in place of Dunfermline. [The Thanes of Cawdor, p. 225.]

In March of that year, 1613, a report was spread by the ministers of Edinburgh that the king had been excommunicated by the pope, a statement for which Secretary Hamilton was said to be responsible. The report, however, was erroneous, as though the pope had indeed threatened to excommunicate King James, he was overruled by his cardinals.[2]

Secretary Hamilton was summoned to Court in September 1613, as appears from various letters addressed to him while there. One of his correspondents there at this time was Chancellor Dunfermline, who, among other matters, refers to various charges made against himself, but adds that he treats them lightly.[3] On his return from London, the secretary's letters to the king are again occupied with the subject of the Clan Gregor. In November 1613 it was resolved by the Privy Council that the "Clangregour bairns" should be distributed among the landlords of the clan, as the persons most interested in the extirpation of these rebels, and the consequent peaceable possession of their lands. Hamilton explains the subject to the king, and to prevent misrepresentation by interested persons, he begs that the matter may be remitted to the Council's discretion.[4]

A month or two later Hamilton writes to the king again on the same subject, with special reference to one of the most famous members of the clan, Robin Abroch Macgregor, to whom the king had determined to grant a remission of his offences. Against this the secretary remonstrates somewhat freely, setting forth the bloody and violent character of the marauder in question, and suggesting difficulties and disorders which may arise from the favour shown to him. He proposes a certain course to be taken in the matter, but states that the Council will yield to his Majesty's expressed determination.[5]

Some of Hamilton's letters to the king after his appointment as secretary, though bearing the signature of the writer as "Sir Th. Hamilton," appear to have been written after his elevation to the peerage as Lord Binning, which took place in November 1613. He may partly have owed this distinction to the influence of Sir Robert Ker, the favourite of King James, who himself, a week or two previously, had been made Earl of Somerset. Hamilton, in the very month in which he was summoned to Court, as already noticed, had married, as his third wife, Ker's sister, Juliana, daughter of Sir Thomas Ker of Fernihirst, and widow of Sir Patrick Hume of Polwarth.[1] On 2d November 1613, apparently while Hamilton was still in London, Sir Robert Ker, who had been Viscount Rochester, was made Earl of Somerset, and on the 19th of the same month a patent of peerage was issued in favour of Hamilton himself. It narrated his great services to the king, both in public and private offices, and also referred to his father's attachment to the cause of Queen Mary, and his grandfather's services and death at Pinkie, in consideration of all which King James bestowed on him, and his heirs-male bearing the name and arms of Hamilton, the dignity of a lord of parliament by the title of Lord Binning.[2] This patent was presented by the new peer before the Privy Council, and he was duly received by them as a baron of parliament.[3]

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[1] Vol. ii. of this work. pp. 76-78. The Melros Papers, pp. 122-124.

[2] Calderwood, vol. vii. p. 176.

[3] Vol. ii. of this work, p. 120.

[4] 26th November [1613]. The Melros Papers, vol. i. pp. 98, 99.

[5] 14th January [1614]. The Melros Papers, vol. i. pp. 96-98. The letter is printed as of date 1613, but this is incorrect. Cf. Original Letters, etc., Bannatyne Club, vol. i. p. 323.

CHAPTER ELEVENTH.

THE REBELLIONS IN ORKNEY AND ISLAY IN 1614 AND 1615.

THE first six months of 1614 passed uneventfully, and though Lord Binning's name occurs, along with other privy councillors, in letters to the king, these contain nothing of historical interest. One or two letters by Lord Binning to John Murray of Lochmaben, afterwards Earl of Annandale, refer chiefly to Murray's private affairs.[4] In June of that year, however, the Council were startled by the intelligence that Robert Stewart, natural son of the imprisoned Earl of Orkney, had broken his pledge not to visit Orkney, and was now in warlike possession of the small castle of Birsay, which he refused to deliver when summoned to do so. It was at once determined to send an expedition against him under Sir James Stewart of Killeith, afterwards Lord Ochiltrie, who was sheriff of Orkney. Meanwhile, Robert Stewart also seized the strong castle of Kirkwall, and fortified the tower of St. Magnus Cathedral, both of which he held in arms against the government.

Instead of Sir James Stewart, however, the Earl of Caithness, a neighbouring potentate, received a commission as king's lieutenant for the suppression of the rebellion. He summoned his followers to attend him if necessary, and passing over from Castle Sinclair with a small company, landed near Kirkwall on 23d August 1614. Two days later he reported his movements to Lord Binning, and his lordship also received letters from James Law, bishop of Orkney, who was with the expedition. The earl and the bishop describe graphically the military efforts against the cathedral tower and the castle. Their greatest difficulties arose from want of money to pay the soldiers, and failure of victuals and ammunition. The bishop relates that on the day he wrote, the cannon, to save the ammunition, had not played against the castle, and the besieged, who had intelligence of the cause, called out from the walls to know why the "cannouns did sleip so lang." Lord Binning did his best to forward the ammunition and provisions required, as he reports to his brother Patrick, who acted as assistant-secretary in London.[1]

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[1] Their marriage contract was dated 16th September 1613.

[2] Original Patent, 19th November 1613, in Haddington Charter-chest.

[3] Act of Privy Council, 30th November 1613.

[4] The Melros Papers, vol. i. pp. 129-142.

The royal forces, however, even with their scanty outfit, soon made themselves masters of the cathedral tower, and Lord Binning, with other privy councillors, wrote to the Earl of Caithness, commending his services, and giving directions as to his further actions. At a later date Lord Binning, not receiving regular intelligence from the Orkneys, states in a letter to his brother that he had challenged the earl and the bishop for their negligence in this particular. He also intimated to them the king's unwillingness that any hope of mercy should be held out to Robert Stewart.[2] But ere the letters could have reached Orkney, the Earl of Caithness reported that on the arrival of the supplies sent by Lord Binning he had summoned the castle to surrender, and that it was now in his hands, together with the person of Robert Stewart.[3] Later information from the bishop of Orkney explained the delay in sending reports by their anxiety to bring the expedition to an end, inclement weather having hindered their operations. Lord Binning, as secretary, took an active part in the examination of the chief prisoners taken in the expedition, although a number of the ringleaders were hanged by the Earl of Caithness, as king's lieutenant. He and Sir William Oliphant, then lord advocate, had an interview with the Earl of Orkney as to his participation in the rising. He was brought from Dumbarton to Edinburgh Castle for the purpose, but Lord Binning's account shows that the earl denied all knowledge of his son's rebellion.[4] The proceedings ended, as is well known, in the trial and execution of both the earl and his son, although as to the former a contemporary historian writes that it would have been difficult to convict him had he not confessed.[5]

About this time Chancellor Dunfermline announced to Lord Binning the arrival of a Spanish ship in the harbour of Burntisland in so leaky a condition that she had scarcely reached the port ere she settled down in the water. The crew represented themselves as whalers, and this statement was justified by the fittings of the vessel, but other suspicious circumstances, and certain reports of an intended Spanish invasion led Dunfermline to order the imprisonment of the captain, the surgeon, and the pilot of the ship, and a watch to be kept on the crew. He begs Lord Binning to order an examination of the captain, who had gone to Leith. Lord Binning's reply is shrewd, and in contrast to the somewhat hasty apprehensions of the chancellor. He points out that the Spaniards having lost their ship could not readily leave the country; that there is no need to deal with them suspiciously, as peace exists between the two nations, while no one has complained of any act of piracy by this particular ship. He suggests that if the Spaniards are rigorously treated they may report to their king, who may retaliate on "oure merchantes, of quhome ane thousand go to his dominiouns, whair one of his subiects come to this cuntrie," and if "such inconvenient" did occur, the blame might be imputed to the "authouris of the first seueritie." But if the chancellor persists in his opinion, he will await his coming, and assist him in what he may think fit to be done, while at the same time he contradicts a report that the Spanish navy had come into the narrow seas.[1] It is probable that so decided an opinion satisfied the chancellor, or that he feared the responsibility suggested, as nothing further appears to have been done. Lord Binning apparently reported the matter at court, and in a later letter inquired as to rumours about a Spanish navy, but there the incident seems to have ended.

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[1] The Melros Papers, pp. 143-153.

[2] *Ibid.* p. 169.

[3] *Ibid.* pp. 174-177. The castle, which is described as being so strong that it could never have been built without "the consente of the divill," the cannon balls in some cases being "brokkin lyk goulfe bales vpoune the castellet and clovin in twa halffis," surrendered on 29th September 1614.

[4] *Ibid.* pp. 180, 188.

[5] Calderwood, vol. vii. p. 195.

Before the rebellion in Orkney had been quelled, Lord Binning had to turn his attention, as secretary, to a similar state of affairs on the western coast. His despatches, towards the end of 1614, give premonitions of trouble from that quarter. The disturbing cause was the seizure of the castle of Dunyveg, in the island of Islay, by the Macdonalds of Islay, and the subsequent insurrection of that clan against the government. The details of this rebellion, the causes which led to it, and its suppression, have been fully recounted by a modern writer. The head of the Macdonalds of Islay, Sir James Macdonald, a restless young chief, had been apprehended in 1603, and confined in Edinburgh Castle, from which he made an unsuccessful effort to escape, along with Lord Maxwell, in December 1607. During his imprisonment, various attempts had been made to secure quietness in the Western Isles, with some success. The castle of Dunyveg had been held, between 1611 and 1614, by a royal garrison placed there by the bishop of the Isles, Andrew Knox, who had exerted himself in the cause of order; but about April 1614, the castle, being carelessly guarded, was taken by a natural brother of Sir James Macdonald. Upon this, Angus Oig Macdonald, a younger brother of Sir James, gathered a small force, and retook the castle; but when the bishop of the Isles demanded delivery in name of the government, Angus refused to give it up, notwithstanding that he was advised to do so by his brother, Sir James.

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[1] 22d September 1614. The Melros Papers, vol. i. pp. 159-161.

The bishop procured from the Privy Council a conditional pardon for Angus, and at the same time received a commission for warlike operations should such be necessary. The bishop, however, was slow in executing his commission, and received a "verie byiting lettre" from Lord Binning, who was annoyed at the delay, as it deprived him of the assistance of the country people, who were anxious about their harvest. The result justified the forebodings of Lord Binning, as the bishop found himself placed in such a position that he was obliged to make terms with Angus Oig, and leave two hostages for his good faith.[1] Thereupon the Council prepared to reduce the rebels by force, and Lord Binning reported to his brother at Court that Sir John Campbell of Cawdor had undertaken the recovery of the fortress "be his owne forces and at his privat chairges," the government furnishing cannon, ammunition, etc., and Sir John Campbell "relying vpon his Maiesties gracious acknouledgement efter the seruice be well accompleissed."[2] Sir John had already acquired a right to the island under a grant by its former chief, and he now endeavoured to win back his own property. He received a commission of lieutenandry and also a carefully prepared memorandum of "advyce," signed by Lord Binning and others.[3] He arrived at Islay in November 1614, and his expedition was successful; the castle was taken, and Angus Macdonald brought to Edinburgh, where he was afterwards tried and executed.

Sir James Macdonald was very strongly opposed to the possession of Islay by the Campbells, to avert which he made an offer to the Council of rent for the island, with other proposals, which were disregarded. Roused probably by Cawdor's success and the seizure of his own brother, and believing, as he afterwards told the Council, that a secret warrant had been issued for his immediate execution, he resolved to escape. In this he was successful, and made his way through Perthshire to the Isles, narrowly avoiding capture at one point of his journey. When he had reached a place of safety he wrote to the bishop of the Isles, the Earls of Crawford, Caithness, and Tullibardine, and to the Privy Council, explaining why he had broken ward. These letters were forwarded by the Earl of Tullibardine to Lord Binning, who wrote in reply that he regretted Macdonald's escape, as it increased the king's anger. His petitions and letters had not been sent to the king, nor would they be received unless he would do such notable service against some principal rebels as might persuade his Majesty to think him worthy of mercy.[4]

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[1] Gregory's Highlands and Isles of Scotland, pp. 349-353; The Melros Papers, vol. i. pp. 158, 164-167; vol. ii. p. 595.

[2] *Ibid.* vol. i. p. 170. 28th September 1614.

[3] The Thanes of Cawdor, pp. 226, 228-233.

[4] The Melros Papers, pp. 211, 213, 214; cf. Pitcairn, vol. iii. pp. 12, 14-16, 18.

Perhaps Lord Binning meant that Sir James should aid in suppressing his own clansmen, whose exploits, as detailed in a letter to his lordship from Macleod of Harris, savoured strongly of piracy. One of their marauding expeditions was to the distant isle known as St. Kilda, but referred to by Macleod as an "yle of myne called Zirta, a day and a night sailing from the rest of the North Yles, far out in the ocean sea." There the Macdonalds slew all the cattle on the island, cows, horses and sheep, and carried off the spoil of the inhabitants, only sparing their lives. It was after their return from this and similar expeditions that the Macdonalds were joined by their chief, whom they received with great joy.[1]

Letters containing information of Sir James Macdonald's movements, and advice as to what should be done in the emergency, came pouring in upon Lord Binning, and he and the Council wrote to King James, urging that the Earl of Argyll should be appointed to lead an expedition against the rebels, as he was in a measure responsible for that district. Sir James Macdonald had now seized the castle of Dunyveg, and the Council beg his Majesty to forward cannon and ammunition by sea to Islay, to meet Argyll and be used by him. Lord Binning also wrote to Macleod of Harris, bidding him use all means against the traitors, and promising redress for the wrongs done to him and his neighbours.[2] At this time Lord Binning had letters from Sir James Macdonald himself, who was very anxious to know the secretary's opinion of his doings. Writing to the Earl of Caithness, Sir James says, "I beseech your lordship let me know how my lord secretar is towards me, or who is most for Calder, or how he is now thoght of be his Maiestie?"[3] In his letter to Lord Binning, Sir James thanks him for former favours, and now earnestly begs him to be his friend in securing to him possession of Islay, in return for a rent payable to the Crown. He further beseeches his lordship to be plain with him, and if the king will not grant him the island, to advise him how he may obtain a general pardon for himself and his followers. His earnestness in the matter is expressed in the postscript, where Sir James writes, "My lord, if his Maiestie be not willing that I sall be his Heighnes tennent in Ila, for Goddis cause let his Maiestie hauld it in his awin hand, for that is certane, I will die befoir I sie a Campbell posses it." He offers, if favour be shown to him, to hold the castle of Dunyveg for his Majesty, but excuses himself for seizing it, because those in it "crewellie opprest the pure cuntrie."[4]

There is no evidence that Lord Binning replied to the letter just cited, and indeed it does not appear that any of Sir James Macdonald's offers reached the king. Great efforts were made to despatch an expedition against the rebels, and many letters passed between the king and his Council on the subject. After it was despatched, Lord Binning was very anxious that it should be effective. On 5th August 1615 he wrote a strong remonstrance to the Earl of Argyll against the latter's carelessness in his weighty charge, which was inspiring the rebels with presumptuous confidence. He told him that a commission granted to Campbell of Auchinbreck was not sufficient, and that nothing but his own presence would produce the desired effect. Lord Binning also expresses his disapprobation of Argyll's proposal that a certain number of the Council should be his advisers in his commission of lieutenancy, and Argyll had reason afterwards to regret he did not take Lord Binning's advice.[1] They had an interview at Innerwick, in East Lothian, of which Lord Binning wrote an account to the king, and stating that he had again remonstrated with Argyll on the delay. On 13th October, writing from Dunyveg, Argyll reports the virtual success of his enterprise, the flight of Sir James Macdonald to Ireland, and the submission of Coll MacGillespick, one of the rebel ringleaders. In his reply Lord Binning expresses dissatisfaction at the escape of so many leading rebels, and inquires what the earl now meant to do with the king's ships. To one of the earl's subordinates Lord Binning wrote that since Sir James and other principal rebels had escaped, or were pardoned, he knew not what "ringleaders these ar whome ye wryt ye ar to bring in; alwayes it is gud that thair forces ar scattered without harme or danger, yit, so long as the heades ar all to the fore, the rebellioun will never be thought quenched." At a later date Lord Binning wrote to Argyll, acknowledging the reports of his operations against the rebels, and expressing the opinion of the Privy Council that the earl might now dismiss his paid soldiers, as they thought he would have no further need for them.[2]

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[1] The Melros Papers, vol. i. pp. 215, 218.

[2] *Ibid.* pp. 222-225.

[3] Pitcairn, vol. iii. p. 13.

[4] The Melros Papers, vol. i. pp. 226-8.

Argyll, however, still retained the soldiers in his pay, for reasons which he expresses in his letter to Lord Binning on 7th November 1615, in which he further writes: "My lord, I thank God that the suppressioun of this rebellioun was in tyme prevendit, for, on my credit, if it had bene 20 dayes longer protracted, few of my countriemen betwixt Tarbert and Innerrarey had provin gud subiectis—mekill les could ther have bene any gud expected of farder remot places quher thair was no trew obedience to his maiestie at all."[3] Argyll thus pays a tribute to Lord Binning's energy and sagacity, as it was owing to his lordship's urgent remonstrances that the expedition started when it did. The immediate sequel of the suppression of the rebellion was the recognition by Argyll of Campbell of Cawdor's rights over the island of Islay, and its restoration to Campbell in property.

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[1] The Melros Papers, vol. i. pp. 230-232.

[2] *Ibid.* pp. 237-239, 243.

[3] *Ibid.* p. 248.

CHAPTER TWELFTH.

KING JAMES'S VISIT TO SCOTLAND—PERTH ASSEMBLY—LORD BINNING CREATED EARL OF MELROSE.

1615—1619.

SOME items of minor politics dealt with by Lord Binning apart from the more exciting events of the year 1615, may now be noticed along with the events of the next few years, when the course of legislation ran more smoothly. The first incident of note is ecclesiastical, and is chiefly remarkable for the severe censure Lord Binning passed upon one of the bishops. In January 1615 Mr. William Murray, minister of Dysart, wrote to John Murray of Lochmaben complaining that some "malicious personis" had slandered him to the king as an opponent of Episcopacy, a calumny which he stoutly denied.[1] The complaint was investigated, first by Lord Binning privately, then by the Council, who exonerated the minister of Dysart. The person who had slandered him was George Gladstanes, archbishop of St. Andrews, of whom Lord Binning writes, "he nather can alledge any misbehauiour in the person (minister), nor will giue him ane testimonie of his dewtifull behauiour, albeit he confesse it to be true and notour," thus showing "such dealing as no honest man wald do or allow." In another letter on the same subject he writes, that he had heard of the archbishop "sum speaches which I will be loath to beleive, and will forbeare to expres for the reuerence of the place whair-with his Maiestie hes honored him. I pray God he had bene and may be cairefull to honour it, if he overput his present infirmitie; and if it please God he die, that his Maiestie may mak that choice of ane successour to him which may best agrie with Goddis seruice and his owne; for it is manifest what disgrace and mischief may ensew of vnwyse, vnhonest, or vngodlie behauior in ane man of that rank, and no lesse notour, how greatlie it may availe to the estableisment of religion that godlie, wyse, faithfull and well affected men to his Maiesties seruice be setled in such rowmes."[2] The archbishop died shortly afterwards.

Some other ecclesiastical cases also engaged Lord Binning's attention. Ogilvie the Jesuit, was, in December 1614, tried before the secretary and other commissioners; and in June 1615, he was present at the examination of another Jesuit, Mr. James Moffat, who was afterwards banished the country.[3] The secretary was also in attendance when the newly-appointed archbishops of St. Andrews and Glasgow, John Spottiswood and James Law, took the oath of allegiance, and did homage for their archbishoprics, kneeling before Lord Chancellor Dunfermline, who sat under a velvet canopy in the chapel-royal, and acted as commissioner for the king.[1]

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[1] Original Letters relating to Ecclesiastical Affairs, vol. ii. p. 405.

[2] Letter to John Murray of Lochmaben, January 1615. The Melros Papers, vol. i. pp. 195, 196.

[3] Original Letters, etc., vol. ii. pp. 447-448.

In the end of 1615 or beginning of 1616, the secretary was summoned to London with the chancellor. He was at Royston with the king on 21st December 1615, when a proclamation was issued uniting the two courts of high commission into one, as it is signed by both the chancellor and secretary.[2] One cause assigned by a contemporary for their call to Court was the king's desire to have their opinions in regard to "sum enormiteis and factis done aganis him" by his favourite, Sir Robert Ker, Earl of Somerset.[3] This refers to the charge made against the earl of the murder of Sir Thomas Overbury; and as Lord Binning was the earl's brother-in-law, he was naturally interested.

As is well known, Somerset was tried, convicted, and imprisoned, but his brother-in-law and other friends endeavoured to mitigate his punishment. In April 1617, when King James was in Scotland, they joined in a petition on his behalf. His sister, Anne, wife of John, second Lord Balmerino, as one of the petitioners, was present on the occasion, and states that she and her elder sister, Janet, wife of Lord Binning, accompanied by their respective husbands and a goodly number of the most prominent Scottish noblemen, appeared before the king in "the privy gallery of the abbay" of Holyrood, where Lady Binning presented the petition. Lord Binning then used his influence, by thanking the king for his former favours to the earl, and putting forward "an ernest desyre and request" on his behalf, and his plea was supported by the Earl of Dunfermline, the chancellor.

The king's reply was characteristic—"God knows, and many here can bear me witness, what a care I ever had of that man, even in his greatest troubles to preserve him from extremity of law; for I am not like many other kings, nor yet like my predecessor, Harry the Eighth, who made up minions to undoe them for his owne ends; but whom I once loved I have no place to a hatred of them, although never any king was so evil used by his favourites as I have been." He would not, however, give a direct answer, but desired the petitioners to leave the matter to him. This they were obliged to do, but hoped before the king's departure to gain a more definite reply.[4]

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[1] Original Letters, etc., vol. ii. pp. 801-803.

[2] Calderwood, vol. vii. pp. 204-210.

[3] Historie of King James the Sext, p. 389.

[4] Letter, Anne Ker, Lady Balmerino, to her cousin, Sir Robert Ker of Ancrum. Correspondence of the Earls of Ancram and Lothian, vol. i. p. 5. The petition had no immediate effect, but Somerset and his wife were liberated from the Tower in January 1622, and in October 1624 received the royal pardon.

While Lord Binning was at Court, during February 1616,[1] he received regular intelligence from Scotland, and among other letters was one giving an account of the proceedings of an assize court held at Peebles, which shows the strong measures taken to put down crime, and that notwithstanding these, the cattle-stealing propensities of the Borderers were by no means eradicated. This court dealt with forty-one culprits, of whom twenty-one were hanged, four banished, and the remaining sixteen outlawed for non-compearance. Judging from their surnames and places of abode, the accused belonged to Roxburghshire and Selkirkshire, or the eastern borders. The writer of the letter, Sir William Seton of Kylesmure, sheriff of Edinburgh, expresses much concern at having to execute so many "propper men, als featt be appearance for better service as was in the land." It is, he says, "ane pietie of the greitt bowtcharie we mak of prettie men," yet, he adds, there is little diminution of crime. "We greive in our actiouns, abhoris the crweltie of our executiounis, and ar eschamed of our service in regaird of the littill amendement in the cuntrey."[2]

Three years after his creation as Lord Binning, his lordship had another honour conferred upon him. On 15th June 1616 he was appointed lord president of the court of session, as successor to Sir John Preston, Lord Fentonbarns.[3] Along with that high and onerous office as head of the court of session, his great capacity for business enabled him to continue to hold his former office of secretary. In August of the same year his lordship received a letter, addressed to himself and the chancellor, from one of two Border brothers who, about this time, had a curious fraternal dispute. These were James Haig and William Haig of Bemersyde, the former of whom accused the latter of bringing about, by astrology, the death of Henry, Prince of Wales, in 1612, and also of attempting, by the same means, the life of the king himself. Investigations were made by the chancellor and Lord Binning, but the case proceeded slowly. During its progress, William Haig wrote from the "loathsum holle" in which he was confined —the Tolbooth of Edinburgh—declaring his innocence, and begging either to be punished, if guilty, or allowed to write to the king. Permission was at once given to write to his Majesty, who meanwhile had received a letter from the other brother, James Haig, which apparently contained charges against Lord Binning and the chancellor of partiality. They defended themselves successfully from this accusation, and added that there was small appearance that their labours could produce any further discovery in the dispute. The matter apparently did not proceed further, and William Haig afterwards became a servant of the Crown.[1]

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[1] He and the chancellor returned to Edinburgh on 24th April 1616. [Calderwood, vol. vii. p. 211.]

[2] Vol. ii. of this work, pp. 131-133. Another letter, not very lucid in its terms, on p. 129, also from Sir William Seton, is explained by his office as postmaster, or director of posting establishments in Scotland. He was a brother of Chancellor Seton. Lord Binning received one or two other letters at this time [*Ibid.* pp. 130-133], but they are not noteworthy.

[3] Senators of the College of Justice, p. 223.

Passing by some minor matters we find that the next important affair which engaged Lord Binning's attention was the king's proposed visit to his ancient kingdom. Some time previous to December 1616, the Scottish Privy Council had been warned of his Majesty's intentions, and preparations had begun for providing the necessary furnishings. Lord Binning intimates this to the king, and that a Convention of Estates required to be called to impose the necessary taxation. Meanwhile reports having reached the king of the circulation of sinister rumours as to the causes of his intended journey, his Majesty, to obviate these and to secure that he should not be met on his arrival with "any vnwelcome coldenes," wrote to Lord Binning a private note, enclosing for publication that famous letter in which he refers to his "salmon-lyke instinct" and desire to see his native soil, giving also other explanations intended to allay all jealousies and difficulties in his way.[2]

The Convention of Estates met on 5th March 1617, when Lord Binning and others made speeches expressive of the king's affection to the nation, and his Majesty's letter was read. The result was that a tax was voted amounting to £200,000 Scots, to be raised that year, for the special purpose of defraying the royal expenses. This was duly reported to the king by Lord Binning, in a very long letter, giving a full account of the proceedings, and virtually implying that the vote was brought about by his own address to the Estates. Many objections and amendments were made, and even when the main point was agreed to, the final vote was nearly lost by a technical objection to the voting of privy councillors who were not officers of State. This was obviated by their prudent retirement, and the taxation was then unanimously carried.

The speech which Lord Binning made on the occasion is fully reported by himself, and is worthy of notice for the graphic picture which he draws of the state of Scotland at the Union of the Crowns. He founded his arguments for the grant requested upon the obligations which every class in the community owed to the king for his efforts to put down crime, and to give to his country the blessings of justice and peace. The speaker desired his hearers to recall to mind how the Islanders oppressed the Highlandmen, the Highlandmen tyrannised over their Lowland neighbours, the powerful and violent in the "in-country" domineered over the lives and goods of their weak neighbours, and the Borderers triumphed in the impunity of their violences to the very gates of Edinburgh; how treasons, murders, burnings, thefts, reifs, harryings, houghing of oxen, breaking of mills, destruction of growing corns, and barbarities of all sorts were committed in all parts of the country, no place nor person being exempted or inviolable, Edinburgh being the ordinary place of butcherly revenge and daily fights, and the parish churches and churchyards being more frequented upon Sunday for advantages of neighbourly malice and mischief than for God's service; how noblemen, barons, gentlemen, and people of all sorts were slaughtered as it were in public and uncontrollable hostilities, merchants robbed and left for dead in daylight, going to their markets and fairs of Montrose, Wigtown, and Berwick, ministers dirked in Stirling, buried alive in Clydesdale, and murdered in Galloway; how merchants of Edinburgh were waylaid in their passage to Leith to be made prisoners for the sake of ransom; and Lord Binning asked them also to consider how that now these, and all other abominations which, settled by inveterate custom and impunity, appeared to be of desperate remedy, had been so repressed, punished, and abolished by the king's wisdom, care, power, and expenses, that no nation on earth could compare in prosperity with Scotland.

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[1] The Melros Papers, vol. i. pp. 255, 256, 260, 261; The Haigs of Bemersyde, pp. 126-170; Memoir of Chancellor Seton, pp. 117-119.

[2] Vol. ii. of this work, p. 83. Copy letter in Haddington Charter-chest, printed in "Documents relative to reception at Edinburgh of the kings and queens of Scotland."

The criminal and other records of the time bear witness to the only too accurate picture thus drawn of the state of Scotland, and certainly from his long experience as a lawyer, and as king's advocate, no one could speak with more authority on this matter than Lord Binning. With much energy and ability King James devoted himself to remedy these abuses in his northern kingdom, and to raise it to a higher state of civilisation. So much is this the case, that a recent writer, in referring to the traditional character of King James, expresses the opinion that it requires revision, and that it is impossible from a careful perusal of the records "to think of James as other than a man of a very remarkable measure of political ability and inventiveness, with a tenacity and pertinacity of purpose that could show itself in a savage glitter of the eye whenever he was offended or thwarted, and in a merciless rigour in hunting down and crushing his ascertained opponents."[1] Another writer, however, while admitting that from the State Papers and other public documents it is easy to perceive in Scotland "the gradual work of the regulating and consolidating influence of a strengthened executive," does not ascribe it wholly to the king, but credits Lord Binning himself with much of the successful result. According to this writer, the secretary "acted the part of a civilising and advancing statesman," and "was a chief instrument in working out the improvement of the social condition of the country."[2]

Another letter from Lord Binning to the king refers chiefly to the disposal of certain jurisdictions and offices, and on 1st May he writes informing his Majesty of various details in the preparations for his reception, including a proclamation for relieving his Majesty "from the importunitie of vntymelie and vnreasonable sutars, and speciallie these who might interceid for forfalted or disabled persons," a sentence which recalls the scene described in the "Fortunes of Nigel," when Richie Moniplies presented the "siflication," on behalf of himself as well as of his master. It is evident that the king wished to avoid similar encounters in his own country. The terms in which, by the king's direction, Lord Binning drew up the proclamation were objected to as being too harsh, and the subject was therefore again referred to his Majesty, but his answer is not recorded.[1]

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[1] Professor Masson of Edinburgh in Introduction to Register of the Privy Council, vol. vii. p. xxvii.

[2] History of Scotland, by J. H. Burton, 2d ed. vol. vi. p. 15.

The king arrived in Scotland on 13th May 1617, and began a progress towards Edinburgh, which he entered in state on the afternoon of the 16th. He remained in Scotland until the beginning of August, having in that time held a parliament and visited various parts of his kingdom. During this period we have only incidental glimpses of the secretary's doings. He was probably in attendance on the king during the royal residence in Scotland, but he is only mentioned on one or two occasions. He is recorded as communicating or receiving the Lord's Supper, according to the English form, in a service held at Holyrood by the king's command. He was one of the commissioners appointed for holding the parliament in May and June 1617, and also one of the lords of articles, whose sittings the king attended regularly, the chief result of their labours being acts more or less affecting and amending the status and stipends of the clergy. One act which was passed in this parliament deserves special notice, as it laid the foundation of the excellent system of registration which still obtains in Scotland. Previous to the year 1617 various attempts had been made to institute a register for the publication of sasines, etc., but these were not successful. In earlier times when notaries public were admitted to their office by the warrant of the sovereign, and after examination by the lords of session, each was presented with a book specially marked by the lord clerk register, called a protocol book. It was his duty to transcribe into this book the instruments of sasine and other writs prepared by him. These protocol books, however, were often carelessly kept, and therefore did not serve the purpose for which they were intended. On 31st July 1599 an act of parliament was passed to remedy the defects of this system of recording sasines, etc., by the institution of a public register which, as it was placed under the control of the secretary of state, was commonly called the secretary's register. After a trial of about ten years, an act of parliament was passed in 1609 for its abolition, on account of the great expense and trouble it gave to the lieges in causing them to register their sasines and other writs without any corresponding advantage. From the phraseology of the act, the sweeping terms of its condemnation, and the peculiar expressions about the act of 1599 causing "tormoyle and fascherie," it might be inferred that the king himself had been its real drafter. He was at this time incensed against Lord Balmerino, who had been secretary when the act of 1599 was passed, and who in that same year, 1609, was tried and condemned to death for an alleged act of treason. The king averred in the act of repeal of 1609 that the act of 1599 had been intended for the secretary's own aggrandisement. Better counsels, however, now prevailed, and the act of 1617 revived the system of registration of sasines, etc., instituted by the act of 1599, but placed the whole system of registration under the control and direction of the lord clerk register. Each volume of the register was to be marked by him or his deputies, and after being issued to the keepers of the registers in the different counties, had to be returned when completed to the lord clerk register for preservation as a national record. Although no direct evidence has been found to show that Lord President Binning was the author of the act of 1617, it is probable that he was specially consulted regarding it, in the same way as his successor Lord President Stair was consulted about later enactments in supplement of it. By subsequent acts passed in 1672 and 1693 minute-books were appointed to be kept along with the record volumes.[1] These acts, and others subsequently passed down even to our own day, have made the Scottish register of sasines and land rights as now consolidated in Her Majesty's General Register House, Edinburgh, one of the most important institutions in the country.[2] Many attempts have been made in England to institute a similar system of registration for that country. But after centuries of trial and many failures, no satisfactory scheme has yet been established.

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[1] The Melros Papers, vol. i. pp. 287, 293, 294.

As a member of the court of high commission, Lord Binning was present at its meeting during his Majesty's visit to Scotland, when Mr. David Calderwood, the church historian, was summoned before it, as a protester against the king's ecclesiastical policy. Calderwood himself has left a graphic account of the scene which took place, in which he had the glory of a long controversy and a wrangle with King James. The passage is much too long for quotation, but we learn from it that Lord Binning also took part in the examination of the accused, though his questions were chiefly formal.[3]

To the history of Lord Binning during this period tradition contributes an anecdote which is characteristic both of sovereign and subject. The story is thus related by a popular writer:—"When King James visited Scotland in 1617, he found the old statesman (Lord Binning) very rich, and was informed that the people believed him to be in possession of the philosopher's stone, there being no other feasible mode of accounting for his immense wealth, which seemed the effect rather of supernatural agency than of worldly prudence or talent. King James, quite tickled with the idea of the philosopher's stone, and of so enviable a talisman having fallen into the hands of a Scottish judge, was not long in letting his friend and gossip know of the story which he had heard respecting him. The lord president immediately invited the king and the rest of the company present to come to his house next day, when he would both do his best to give them good dinner and lay open to them the mystery of the philosopher's stone. This agreeable invitation was of course accepted, and the next day saw his Cowgate mansion thronged with king and courtiers, all of whom the president feasted to their hearts' content. After dinner, the king reminded him of his philosopher's stone, and expressed his anxiety to be speedily made acquainted with so rare a treasure, when the pawky lord addressed his Majesty and the company in a short speech, concluding with this information that his whole secret lay in two simple and familiar maxims—Never put off till to-morrow what can be done to-day; nor ever trust to another's hand what your own can execute."[1] The house in which, according to tradition, this entertainment took place was situated in the Cowgate, and continued to exist until about the year 1829, when it was destroyed to make way for the new street, now known as George the Fourth Bridge. The house, although occupied by Lord Binning as a family residence, did not belong to him, but was leased from Sir James Macgill of Rankeillor, the yearly rent being £213, 6s. 8d. Scots. He rented separately a stable for £26, 13s. 4d., and also servants' apartments for £44 yearly.[2] After Lord Binning ceased to occupy the building, it appears for a time to have been used as the hall or place of meeting of the Merchant Company of Edinburgh. More recently it was the Excise Office, and was so used until 1772.

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[1] Acts of the Parliaments of Scotland, vol. iv. pp. 184, 407, 449, 545, 546.

[2] Some recent experiments of additional indexes to the Sasine Registers have given rise to much controversy in the legal profession, and these experiments have not yet been sanctioned by Act of Parliament.

[3] Calderwood's History, vol. vii. pp. 261-276.

From its connection with the Merchant Company the building was known as Merchants' Court. Under this name it is referred to by a recent writer, who states that its site is now occupied by the southern piers of George the Fourth Bridge. He further describes it as "a large area enclosed on three sides by antique buildings in a plain but massive style of architecture, and containing internally finely stuccoed ceilings and handsome panneling, with other indications of former magnificence suitable to the mansion of the celebrated Thomas Hamilton, first Earl of Haddington."[1] The house had an entry both from the Cowgate and what is now Merchant Street.

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[1] Reekiana, by Robert Chambers, pp. 308, 309; Old and New Edinburgh, vol. ii. p. 259.

[2] Testament Testamentar of Thomas, first Earl of Haddington, vol. ii. of this work, pp. 304-312. These sums disprove the tradition that on account of difficulty in obtaining such buildings, the earl paid more rent for his stables than for his dwelling-house [Reekiana, p. 311]. It may be noted that the earl had a large domestic establishment. At the time of his death, wages were paid to twenty-six male servants, including two cooks, five footmen, and a coachman, and to two female servants, the sum paid for the half year being £792, 13s. 4d. Scots.

Another reminiscence connected with Lord Binning's mansion in the Cowgate may be noticed. One evening, it is said, he was seated with a friend near a window of his house, the two enjoying a flask of wine together, and the president being arrayed, for greater ease, in a *robe de chambre* and slippers, when he was suddenly disturbed by a great hubbub, which arose under his window in the open street. This turned out to be one of those street disturbances common to the boys of Edinburgh, known as "bickers." In this case the strife was between the youths of the high school and those of the college, and the latter in the full tide of victory were, notwithstanding a valiant defence, in the act of driving their antagonists before them. Lord Binning's sympathies were instantly and warmly awakened in favour of the retreating party, for he himself had been educated at the high school, and from his after-training at Paris had no reason to affect the college. He therefore sprang up, rushed into the street, rallied the fugitives, and took such an active share in the combat that the high school boys, gaining fresh courage on discovering that their new leader was "Tam o' the Cowgate," the great judge and statesman, turned the scale of victory against the enemy, despite superior age and strength. Lord Binning, still in his robe and slippers, assumed the command, and did not hesitate to excite the lads to the charge both by word and action, nor was he content until he had pursued the college youths through the Grassmarket and out at the West Port, the gate of which he locked, compelling the vanquished to spend the night in the fields or suburbs beyond the walls. He then returned to finish his flask of wine with his friend.[2]

The king left Scotland in August 1617, and from that date the correspondence between his Majesty and Lord Binning was resumed, but only a few of the letters preserved are sufficiently important to be specially noticed. The most noteworthy relate to the preparations for the General Assembly, appointed to meet at St. Andrews on 25th November 1617. Lord Binning was one of the commissioners appointed by the Council to act in place of the royal commissioner, the Earl of Montrose, who was incapacitated by sickness. It was hoped that at this assembly, the articles of religion, afterwards known as the "Five Articles of Perth," would be accepted and passed, according to the king's desire. His Majesty, indeed, had endeavoured to impose them on the Church by the mere exercise of his prerogative, but was reluctantly obliged to consent to the meeting of an assembly, and he vented his wrath on the bishops, whom he called dolts and deceivers, accusing them of misrepresenting the opinion of the country. But though every effort was made to pass the articles, Lord Binning had to report to the king that they were compelled to delay them to another assembly.[1]

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[1] Wilson's "Memorials of Edinburgh," p. 327; Reekiana, by Robert Chambers, p. 305, where there is a woodcut representation of the building.

[2] Reekiana, pp. 306, 307; Old and New Edinburgh, vol. ii. p. 259.

In June 1618[2] the king wrote Lord Binning upon a question which had arisen with the Estates of Holland as to rights of fishing for herring in British waters. The subject had already been discussed by the Scottish Privy Council, who had advised that the English ambassador in the Netherlands should be instructed to remonstrate regarding the encroachments made by Dutch fishermen, and to request that they should be forbidden to fish within British limits.[3] This course was adopted, and in the king's letter to Lord Binning he states that the reply had been friendly and favourable so far, but that the Dutch founded on a right acquired under certain treaties. The king desired that search might be made among the Scottish records for any such treaties, especially for one said to be made in 1551 with the Emperor, Charles the Fifth.[4] It was only in the following year that the secretary appears to have answered this query, but nothing definite was found in the Scottish registers.[5]

A remarkable case engaged the attention of Lord Binning and the Scottish Council at this time—that of Thomas Ross, who, in a freak of insanity, had affixed to the door of the Church of St. Mary at Oxford, a pasquil or libel on his own nation. This document, which was in the form of one of those theses which it was customary to affix in such places, was seen by a passing student, and immediately torn down by him and carried to Dr. Godwin, vice-chancellor of Oxford, who, recognising Ross's handwriting, questioned him, and committed him to ward, while he reported the case to the king. Thomas Ross was a younger son of the family of Ross of Craigie, in Perthshire, an old and respectable house, which, however, had now fallen into very poor circumstances. He was minister of Cargill, and had gone to England, apparently from a leaning to Episcopacy, as he had received a recommendation from the archbishop of St. Andrews and others, a fact with which the king afterwards taunted them.[6] He was for a time resident at Oxford as a student, but there he had suffered so much privation, that he was driven to desperation. In this condition, according to his own statement, he "being eschamed to beg, and disdaneing to steill . . . out of his distemperat humour and frenysie, and sair aganis his heart, without ony setled resolutioun, and without ony purpois to do evill, bot to schaw the greif of his heart, and to move pitie and compassioun towardis him, wrait thir theses." He adds, pathetically, that he thought the writing thereof in this his mad humour and disposition would rather procure pity than wrath from his Majesty, and that God would move the king to think that he was driven by misery and necessity to write them, and therefore the king would pity and help him. He also hoped that some well-minded courtier would intercede for him.[1]

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[1] Calderwood's History, vol. vii. pp. 272, 284-286; Original Letters relating to Ecclesiastical Affairs, pp. 506-522 *passim.*

[2] In the earlier months of this year, 1618, there was a correspondence between the king, Lord Binning, and the Earl of Caithness, but this will be noticed on a later page.

[3] The Council to the king, 4th April 1618; The Melros Papers, vol. i. pp. 306, 307.

[4] The king to Lord Binning, 11th June 1618; vol. ii. of this work, pp. 85, 86; cf. also pp. 65-67.

[5] The Melros Papers, vol. i. p. 334.

[6] Original Letters relating to Ecclesiastical Affairs, p. 565. A draft letter apparently, extremely severe and contemptuous in its tone.

These hopes were not justified. Instead of being moved to pity, the king was greatly enraged, and looking upon Ross as a second Stercovius,[2] he ordered him to be sent down to Scotland for trial. He wrote to the Council denouncing Ross as a "villanous caytiffe, or rather monster, of our owne contrie." They were to advise as to what punishment should be inflicted, and the king refers to the case of Stercovius as an example. This letter and the whole process have been quoted as one of a series of vindictive acts by King James, which leave a deep stain on his memory and character. It is to be feared, however, that the Privy Council of Scotland must share in the odium of Ross's fate. Even before he reached Scotland, having been sent by sea, the libel being despatched by post, they, including Lord Binning, declared that the writer ought to be hanged. But the examination and evidently frenzied and desperate condition of the poor wretch appear to have somewhat influenced them, as, after a trial, in which he was convicted, Lord Binning wrote to the king intimating that Ross had been found guilty, but that sentence was delayed until his Majesty's determination was known. This was probably in the hope that mercy might be shown, as there is a reference to his Majesty's "euer gracious clemencie," and a suggestive remark, that many had from madness recovered reason and "done great and wourthie maters." This, however, had no avail; the king was inexorable, and Ross was executed.[3]

A few days after writing the above letter, Lord Binning forwarded to his Majesty an account of the Assembly held at Perth on 25th August 1618, and succeeding days, when the famous "Five Articles," upon which the king had so long insisted, were at last carried. Lord Binning, who appears to have been, either from policy or conviction, a strong supporter of the Episcopal party, was appointed chief commissioner to the Assembly, and, though he does not say so in his letter, used his authority at one point in favour of the articles. Previous to the Assembly the king addressed a long and peremptory letter to the commissioners, clearly indicating his will as to their procedure.

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[1] Deposition of Thomas Ross, Pitcairn's Criminal Trials, vol. iii. p. 588.

[2] Stercovius was a Pole, who had visited Scotland, and being ill received there, he, on his return, published a "Legend of Reproaches" against Scotland, for which, at King James's instance, he was arrested and executed. *Ibid.* p. 448.

[3] The Melros Papers, vol. i. pp. 314-316. Without justifying the king's severity, it may be noticed that this Thomas Ross was a younger brother, or nephew, of the Mr. John Ross whose pasquil directed against the king and Lord Advocate Hamilton, in 1596, had so offended his Majesty, and this may have embittered the king's feelings on the present occasion.

He insists strongly on his prerogative to dispense altogether with an Assembly if he chose, but as such had been called, he enjoined upon the commissioners that they should induce obedience to his will. "And doe not thinke," he says, "that we will be satisfied with refuses or delayes or mitigations, and we know not what other shifts have been proponed; for we will content ourselves with nothing, but with a simple and direct acceptation of these articles in the forme by vs sent vnto you now a long time past." The letter is also aimed at the Assembly, and especially at those ministers who might prove refractory, as there is a reference not complimentary to them. "We wish," he says, "we be not further provoked, and God's truth which you professe, of obedience vnto principalities and powers, be no longer neglected."[1]

With such an explicit declaration of the king's desire, the commissioners and the bishops had no alternative course to pursue, and every influence was brought to bear to further his Majesty's wishes. The narrative of Lord Binning in his letter to the king, and that of the historian, Calderwood,[2] differ widely in their point of view, but they agree in showing that the articles were not carried without considerable pressure, and that it was rather an apparent than an actual majority of votes. It would seem that Lord Binning, however anxious to serve the king, or inclined towards the bishops, was averse to the mode of procedure, as the concluding sentence of his letter, which otherwise is obsequious in tone, is as follows:—"If your continouall caire of the good of this cuntrie and churche moue your royall mynd to intend heirefter any church maters of such consequence, I beseech your Maiestie, for the good of your owne seruice, to employ ane more fit commissioner in my place, who am als vnskilfull in thir subiectis as I am vngratious to the opposites."[3]

The five articles—which may be briefly described as enjoining (1) Kneeling at the Lord's Supper, (2) Five holidays: Christmas, Good Friday, Easter, Ascension, and Whitsunday or Pentecost, (3) Episcopal confirmation, (4) Private baptism, and (5) Private communion—were shortly after the Assembly ratified by the king and Council, and formally authorised by the Scottish Parliament of 1621, which will be noticed in its own place. They were, however, never heartily accepted by the people, and were the cause of much irritation and discontent until they were abrogated by future events.

Towards the end of the year 1618, and beginning of 1619, Lord Binning was in London. Not long after his return to Scotland he received intelligence of the death of Queen Anna, upon which he wrote to the king in a consolatory strain. In the same letter he refers to rumours of hostile intentions on the part of Spain. These reports, he says, though not authorised by news from Court, are "so frequent and probable" in Scotland that he thinks of advising with the bishops to test the behaviour of those in their respective dioceses who were suspected as Roman Catholics.[1]

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[1] Original Letters relating to Ecclesiastical Affairs, vol. ii. pp. 568-571.

[2] History, vol. vii. pp. 304-332.

[3] Original Letters relating to Ecclesiastical Affairs, vol. ii. pp. 573-577.

A few weeks afterwards Lord Binning was raised another step in the peerage by being created Earl of Melrose, a fact which may fitly close this chapter of his memoir. Ere doing so, however, it may be noted, that though his lordship desired to withdraw from acting as commissioner to the General Assembly, he took an active part in promoting public worship in accordance with the new articles and the king's wishes. Most of his letters about this time relate to the conduct of the magistrates of Edinburgh, the ministers and the people at Christmas and Easter, their churchgoing, and specially partaking of the communion according to the newly-prescribed form.[2] He himself constantly set a prominent example, and therefore a contemporary historian records that he was made earl, "noe doubt for the good service he had done in advancing the state of bishops and course of conformitie."[3]

The patent of the earldom, however, chiefly narrates Lord Binning's services as secretary, and his skill in dealing with foreign princes as a reason for granting the new dignity, which is bestowed on himself and his heirs-male bearing the surname of Hamilton. The patent is signed at Newmarket on 20th March 1619, and sealed at Edinburgh 30th March same year, after which date the new peer formally took the title of Earl of Melrose.

Chapter Thirteenth.

THE PARLIAMENT OF 1621.

The increased dignity conferred upon him did not alter the relation of the Earl of Melrose to the public offices which he held, unless that he became still more active in carrying out the king's policy. We find his name appended to every letter from the Scottish Privy Council to King James. But as these represent the general public business of the country, it will be sufficient to narrate only those letters or affairs in which the earl takes the sole or a prominent place.

One of the earliest of these connects itself with the Perth Assembly. Not only did the royal agents find considerable difficulty in enforcing obedience to the "Five Articles," but the methods used at the Assembly were such that most of those ministers who were not subservient to the bishops accounted the proceedings null and void. Among those was Calderwood the historian, who, though sentenced to banishment since his appearance before the court of high commission in July 1617, had not left Scotland, but was still lurking in various refuges provided by his friends. While in this strait he found time to write a pamphlet entitled "The Perth Assembly," in which he demonstrated the nullity of that meeting and its proceedings. This tract he was obliged to have printed anonymously in Holland, and the completed copies were smuggled over to Scotland in vats, as if they had been foreign wines. The circulation of the work took place in the beginning of June 1619, and a perusal of it so enraged King James, who had previously issued an order against writing or reading such books, that he gave stringent instructions for a search after and apprehension of all who in any way might be concerned in its publication.

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[1] Original Letters relating to Ecclesiastical Affairs, vol. ii. pp. 596, 597.

[2] *Ibid.* pp. 588-600, *passim.* Cf. Calderwood, vol. vii. pp. 297, 359.

[3] Calderwood, vol. vii. p. 360.

His Majesty's letters to this effect were directed to the Earl of Melrose, who at once proceeded to carry them into execution. Summoning to his aid Sir Andrew Ker, master of Jedburgh, then captain of the king's guards, the search began. The houses of those printers and booksellers named by the king were simultaneously seized, and their contents examined either by Sir Andrew himself, or his most trustworthy men. Other precautions were taken, but nothing was found, those booksellers who were in Edinburgh denying with truth all concern with the work. James Cathkin, however, one of the principal booksellers, who was then in London on business, had a narrow escape. He had been apprehended in London and interrogated by his Majesty himself, when he admitted that he had quite recently seen Calderwood. Nothing could be proved against him, but this admission led to the strict orders issued by the king, and when the search was made in Cathkin's house, five or six copies of the obnoxious tract were actually lying on a bed which their author was accustomed to use, but these were overlooked by the searchers. The author himself was then safely secreted in a private chamber at Cranstoun, under the protection of his friends Lord and Lady Cranstoun.[1]

The Earl of Melrose reported the failure of the search to the king, with the opinion of the Edinburgh booksellers, that the book had been printed in Holland. In the letter he also deals with a complaint made by Scottish merchants against the customs officers in Denmark, who seized upon the gunpowder which was being brought to Scotland from the easter seas, and forcibly retained it for their king's use at his own price. The earl suggests that the King of Denmark should be asked to remedy this abuse. He likewise refers to the approaching examination of Sir James Skene of Curriehill, one of the lords of session, who was charged with not having communicated on the previous Easter, and therefore with disobedience to the king's express orders.[2] This case shows the king's bitterness against those who appeared to thwart his views of church ritual, but Sir James was enabled to give satisfactory reasons for his absence from church on Easter morning, which the Council, including the Earl of Melrose, corroborated, and the matter dropped.

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[1] Original Letters relating to Ecclesiastical Affairs, p. 607; Calderwood's History, vol. vii. pp. 382, 383.

[2] Original Letters relating to Ecclesiastical Affairs, p. 608.

In the end of June 1619 a new commission was granted to the court of high commission, and the Earl of Melrose was again appointed. Shortly afterwards he was present at a meeting of it before which Mr. Henry Blyth, minister of the Canongate, and Mr. David Forrester of North Leith, were accused of contempt of his Majesty's orders, and were banished to the north of Scotland. The earl was also specially commissioned, along with the archbishop of St. Andrews, to decide a controversy which had arisen between the town of Edinburgh and their ministers as to a letter sent by the ministers to the king. A reconciliation was effected, not without difficulty, and the ministers were sharply rebuked by the earl and his colleague. In the following year several ministers were accused of nonconformity to the new articles, but one of them, Mr. George Grier of Haddington, who was ill, was exempted from the list by the Earl of Melrose.[1]

Two anecdotes are told of the earl at this time relating to his conduct in some of the ecclesiastical cases brought before the Council, which illustrate his attitude towards the king's policy. On 25th April 1620, William Rig, afterwards bailie, and three other burgesses of Edinburgh, were charged to enter into their respective wards, without citation, trial, or conviction, and only for his Majesty's satisfaction. When the matter was discussed in the Council, Chancellor Dunfermline said they could not proceed so irregularly, for it was neither reasonable nor according to law; but the earl replied, "My lord, ye must not frame the question so; it must be framed in these termes, 'Whether will ye give obedience to the king's letter or not?'" the result being that the charge was issued without further contradiction.[2] On a similar occasion in the following October, when, in terms of a letter from the king, Mr. Robert Bruce of Kinnaird was to be cited for certain alleged offences, the chancellor again demurred to the proceedings. It was not the Council's part, he said, to judge in kirk matters; the bishops had a high commission of their own to try these things. To this the Earl of Melrose remarked, "Will ye reason whether his Majestie must be obeyed or not?" but the chancellor replied, "We may reason whether we sall be the bishops' hangmen or not," and the matter was referred accordingly.[3] Between these two incidents the earl was appealed to by the archbishop of St. Andrews in connection with William Kirkcaldy of Grange, brother-in-law of the earl, who had published some copies of a book written by himself against the bishops and the Perth Assembly. The earl sent an order confining him to his own house, but no further proceedings were taken, as Kirkcaldy was "repute foolishe and phantasticke."[1]

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[1] Calderwood's History, vol. vii. pp. 388-391, 424.

[2] Calderwood's History, vol. vii. p. 439.

[3] *Ibid.* p. 450.

Towards the close of the year 1620, more important matters claimed the earl's attention. Some time previously the states of Bohemia, the government of which, at first elective, had been, in 1547, declared hereditary in the house of Austria, had revolted from their prince, Ferdinand II., who was also Emperor of Germany. They then took arms in defence of their liberty and religion, and claimed that the edicts in favour of the Protestant religion should be observed, and that the ancient laws and free constitutions of their country should be restored. The emperor Ferdinand, instead of complying, formed a powerful league with neighbouring Roman Catholic princes, and prepared to crush the spirit of freedom in his refractory subjects. The Bohemians endeavoured to meet the powerful combination leagued against them by seeking the aid of the Evangelical Union in Germany, and invited Frederick, Elector Palatine of the Rhine, to accept their crown, which they declared elective. As Frederick had married the Princess Elizabeth, eldest daughter of King James the Sixth, this rendered his fortunes a matter of much concern to the people of Great Britain. The newly-elected King of Bohemia and his queen entered the town of Prague on 21st October 1619, "being received with a great show of loue of all sortes of people," as the queen wrote to the Duke of Buckingham;[2] and they were crowned on 4th November following. But almost exactly a year later they were driven from their city and kingdom by the imperialist forces. This and other misfortunes roused the sympathies of the people of Great Britain, and many volunteers joined the army of Frederick, while the excitement was increased by the vacillating policy of King James, who wasted time in negotiations, and spent large sums on fruitless embassies, until the time for effectual interposition was past, and the cause of his daughter and son-in-law was lost.

As a means of recruiting his exhausted finances, and while yet the result of the struggle was doubtful, King James resolved to ask his Scottish subjects for a contribution on behalf of the Palatinate which had been invaded, and a Convention of Estates was summoned to vote the sum required. The king's first proposal was that there should be a voluntary contribution granted by the Council, nobility, and lords of session, with the burgh of Edinburgh, but the Council deemed it necessary to call a convention.[3] It met on 23d November 1620, and of its proceedings the Earl of Melrose made full reports to the king. The first day was occupied with a debate on the precedency of certain noblemen, but on the 24th the whole assembly met to discuss the main question, all being disposed to entertain it favourably. The principal speakers were the chancellor, the archbishop of St. Andrews, and the Earl of Melrose himself, who, according to his own report, outdid the chancellor in length of oration and number of classical allusions. He began by combating an idea that the wars of Germany did not concern this nation, who were only in the habit of furnishing men and not money for the wars of other countries, arguing by various examples from ancient history that the children of princes were the greatest and best part of the Estate, and therefore, in regard to the Queen of Bohemia and her children, war on their behalf was as important as if in Great Britain itself.

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[1] Calderwood's History, vol. vii. p. 443.

[2] Tenth Report, Historical MSS. Commission, pp. 89, 90.

[3] The Melros Papers, vol. ii. pp. 373, 374.

As to another objection which was put forward, the scarcity of money, the earl argued that the king knew money was scarce, but that little would be graciously accepted, and would help to do a good turn, and that the nobility should shew the way, and give example to the inferior estates. He enforced his argument by several classical stories, among others that of a poor rustic of Persia, who, meeting Artaxerxes one day unexpectedly, and having nothing to present to his sovereign, as was customary, ran to a neighbouring stream, and brought some clear water in his hand, which gift the monarch prized so highly that he ordered the water to be preserved in a phial of gold; also the tale of the matrons and maids of Massilia, or Marseilles, who cut off their hair (worn long as a badge of chastity), and gave it freely to make cables and ropes for furnishing new vessels, their fleet having been almost wholly destroyed in a sea-fight. These examples the earl deemed fitted to encourage his hearers to fortify the weakness of their means by the alacrity of their contributions. It cannot be said that the speech had the effect intended, as in the final debate it was resolved rather to call a parliament which could impose a regular taxation than trust to the uncertainty of a voluntary contribution. The earl admits that he himself, after a mild protest, favoured the calling of a parliament as likely to be more speedy and effective in its results.[1]

The king, however, was by no means satisfied with this resolution, and he at once wrote again to the Council refusing to call a parliament, but urging a voluntary contribution. The Council therefore summoned another convention, but the Earl of Melrose wrote to the king expressing doubts of the result. If persuasion would have effected the end, he says, the money would have been granted at last meeting, and he suggests in answer to the objection that taxation was a slow process, that if parliament once fixed a sum, so much might, on its security, be borrowed in advance from the burghs.[2] The earl, however, will keep this view a secret in the meantime, if his Majesty wish it, and use every endeavour to bring about the desired result.

[1] The Melros Papers, vol. ii. pp. 374-382.

[2] *Ibid.* pp. 387-390.

As the earl expected, the second convention ended in nothing. Very few assembled, and they only repeated what had been previously done, and deputed the archbishop of St. Andrews to explain matters at Court. The king then consented to the calling of a parliament, which was summoned to meet on 1st June, but did not begin its sittings till 25th July 1621. The announcement of its meeting caused great excitement, not because of its immediate object, but because the obnoxious "Five Articles" were to be presented for ratification. Their enforcement was still a source of debate between the king and the people, and at Easter the earl had with difficulty prevailed on a few of his official colleagues to join with him in the services required by the new forms. He had also imposed upon him the duty of reporting to the king the sermons preached at Christmas and Easter in compliance with the Articles, and abstracts of the discourses were furnished to him accordingly.[1]

Preparations for the approaching parliament now engaged much of the earl's care. By a royal letter, he, Chancellor Dunfermline, Treasurer Mar, and the archbishop of St. Andrews, were charged with carrying out the Court policy, and their consultations on the subject were anxious. They refused, however, to nominate a high commissioner, leaving that to the king, only suggesting that such an officer would be at great expense in the exercise of his duty, and would require a subsidy from the royal purse. They agreed to extend the expected taxation to the utmost that the country could bear, and to that end to prepare all whom they could influence, before the parliament, to consent to the highest rate, and also to provide the best means to induce every class to contribute largely.

The form of the imposition was then discussed, and the manner of payment, when the earl made a proposal which is noteworthy, and may be stated in his own words, as it led to the first form of income-tax in Scotland. "We reasoned," he reports to King James, "vpon the forme of the imposition, and of the maner of payment therof, not forgetting the large help which may be exacted of the welthier sort, which heretofore haue been frie of all taxations, they neither being churchemen, landed-men, nor burgesses; neither could it be well seen how they might be broght vnder the necessitie of contribution. For remouing this dowt, I proponed that the ordinar taxation being granted in large quantitie might be imposed upon the Estates in the accustomed maner, and an act of parlement obteaned, ordaning that the wealthie anvelrentars sould contribute to the supplie of your Maiesties most important and necessarie present affaires, for which effect commission sould be given to a selected nomber to call and taxe them to a reasonable proportion of subsidie, according to their stock and rent, and to summond them by open proclamation to compeir at a certane day, to give up a true declaration of the sowmes for which they receiued anvelrent by infeftment, band, or other securitie whatsoeuer, and if need wer, vpon deniall, to put them to oath, or to proue aganis them by writ; with certification that all the sowmes concealed by them sould be confiscat to your Maiestie wheneuer they sould be discouered, and if the dettour would dilate [accuse] them, he sould be frie of the thrid of his debt for his panes, he payand to your Maiestie the two part thairof, which the lords consented to; and if this course receiue your Maiesties approbation it sall be proponed and carefullie presented."[1]

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[1] Calderwood's History, vol. vii. p. 457; Original Letters relating to Ecclesiastical Affairs, pp. 641, 642; cf. Melros Papers, vol. ii. pp. *637-*639.

From the earl's next letter to the king, it would appear that an address, which the former had drawn up in his Majesty's name to be read to the parliament, was not acceptable to the royal mind. The original draft is not preserved, but the earl excuses himself for its imperfections, that having no instructions from the king to correspond with any stranger, he had carefully to do it unaided by word or writ; nor had he had any certain news from Court of the affairs in the Palatinate, and he was therefore obliged to "follow the incertantie of popular reports." In the end, however, the king omitted to make the necessary corrections, and at the last moment the earl had to prepare another royal letter or speech, which was read to the Estates before his Majesty saw it.[2]

The parliament met, under the presidency of James, second Marquis of Hamilton, as grand commissioner, and the Earl of Melrose, as usual, gave a full account of its proceedings to the king. He does not on this occasion appear to have made any formal oration, but devoted his energies to securing the taxation of annualrents, which was at last agreed to, after much opposition. The whole amount of taxation granted was the then large sum of £400,000 Scots, equal to £33,333, 6s. 8d. sterling, payable in four yearly instalments. The opposition to the taxation of the annualrents arose chiefly from the burgesses and smaller barons, who feared they might suffer in their credit if their debts were unnecessarily discovered. At last, however, the earl wrote to the king that all was happily concluded, and that the church acts had passed as well as the taxation. His letters respecting this parliament are very short, as its proceedings were watched on behalf of the king by some courtiers, who immediately on its rising left for Court.[3] The earl's letters thus give only a faint idea of the excitement which prevailed during the sitting of this parliament, though even they indicate difficulties in the way of the Court party. A contemporary historian, however, has preserved graphic glimpses of the strained condition of affairs, and of the activity of Melrose in his efforts to obtain obedience to the king, although the earl's character is depicted in no flattering colours.

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[1] The Melros Papers, vol. ii. pp. 394, 395. 29th March 1621.

[2] The Melros Papers, vol. ii. pp. 398, 416.

[3] *Ibid.* pp. 411-427.

It was not, however, the proposed taxation which caused the stir; that appears from the first to have been readily conceded; the obnoxious measure was the ratification of the "Five Articles of Perth." A large number of the ministers protested, two of whom were sentenced to confinement in the castle of Dumbarton, and others, who had attended a meeting of the commissioners of burghs, were ordered to leave Edinburgh, as guilty of "seditious behaviour." That "tumultuous crew," as the earl styles them, did not, however, leave without uttering numerous admonitions, protestations, and reasons against the articles, which, according to Calderwood, made such impression that few would have consented to ratify the articles in parliament if they had been left to their own liberty, and not wrought upon by the royal commissioner, the earl, and the bishops.[1]

The same writer even charges the secretary and the Court party with making use of spies. He says, "The cheefe ringleaders, viz., the Marquis of Hamiltoun, the secretare, and the bishops, imployed some treacherous intelligencers to try such as were yit unknowne to them. These insinuated themselfs in the meetings of noblemen, commissioners of shires and burrows, and other occasionall meetings rarer or more frequent as occasion was offered. . . . At night they returned to their directours and informed them what was everie man's disposition, that the ringleaders might know with whom to deale or caus deale." The writer then complains that in consequence the private meetings of the separate Estates usually held during parliament were imperiously restricted. This charge, however, was met on the government side by the allegation that the ministers had obtained access to such meetings, and were using their influence against the king.

Then, in regard to the members of parliament, undue influence was brought to bear, in which "none so busie as the secretare both night and day. Some were allured with faire promises to promise consent; others were so terrified, howbeit otherwise well affected, that they left the town; some, to eschew importunate requeists, departed off the toun." Sir John Hamilton of Preston, who in private committee had voted against the "Five Articles," was dealt with to recall his vote in public, but refused, notwithstanding every persuasion. "Then the secretare desired him to absent himself. He answered, 'I will not: I will stay and beare witness to the trueth. I will render my life and all that I have before I recall one word that I have said. But if ye will charge me with letters of horning, or with a macer to waird or to depart, I will obey.' 'Weill, sir,' said the secretare, 'ye sall not bring me within that compass. We sall make both you and your instructour to repent it.'"[2] On the last day of the parliament, when the members were assembling for the usual "riding," another encounter took place between the secretary and the laird of Preston, when the earl sought to disgrace Sir John, but by the latter's combined boldness and prudence he "was disappointed."[1]

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[1] Calderwood, vol. vii. pp. 464-488; cf. Melros Papers, vol. ii. pp. 412, 413.

[2] Calderwood, *ut supra*, pp. 492, 493. The "instructour" here referred to was Sir John's parish minister, Mr. John Ker, minister at Prestonpans.

Calderwood also complains of the manner in which the five articles and the taxation were presented to parliament to be voted on. The voters were forbidden, as at Perth, "to give anie reason for their votes, that so the conclusion might pass by number, and not by weight of voices. They were directed to expresse their voices (votes) in these words, 'AGRIE,' 'DISAGRIE.' It came to pass that the wyde opening of the mouth at *a*, the second syllable of Disagrie, did eate up the first syllable, speciallie in those who did speak with a low voice, being threatened and boasted (scared) with minassing eyes and looks of the secretare; and so the negative were noted as affirmative—Agrie for Disagrie." Again when the chancellor desired some "that spake not out distinctlie for feare, to speak out frielie, the secretare said, 'Nay, my lord, let them alone; those that will not speake out, let the clerk marke them as consenters,'" which it is said was done in some cases.[2]

Proxies also, a recent innovation in Scotland, were used in this parliament, chiefly in favour of the government, the Earl of Melrose voting for two Englishmen lately made peers of Scotland—Sir Henry Constable, created Viscount of Dunbar, and Sir Henry Cary, Viscount of Falkland. It was alleged that had it not been for these proxies, and the votes of the officers of state, the articles would not have passed, but from a scrutiny of the votes as recorded by Calderwood himself this is doubtful. The acts, when passed, were touched by the high commissioner with the sceptre, in token of the royal assent, and at this moment a terrific thunderstorm broke over the city. It was accompanied by great darkness, and the vivid lightning flashes, loud peals of thunder, and heavy falls of hail and rain, so terrified the people, wrought up as they were to a high pitch of excitement, that many declared it expressed the indignation of the Almighty. The Court party, however, compared the event to the giving of the law from Sinai.[3] A similar portent accompanied the publication of the acts at the cross of Edinburgh two days later.

This brought about the climax of the contest between King James and his people in church matters, as, had the articles not been ratified, it would, as a late historian observes, "have been a direct and formidable violation of the oldest and strongest power in the constitution to have attempted to sustain them."[4] The king was delighted with the work of the parliament, and wrote a sharp letter to the prelates of Scotland, rebuking them for their last letter, "fraughted with nothing but grones and expressions of affliction, like the Lamentations of Jeremie, in that verie instant when both wee and yee had wone so greate and honorable a victorie against the enemies of all religion and good gouernment, and considering also the verie time, which was the eue of the fifth of August." He bids them be encouraged, and as the sword is now put into their hands, they are not to let it rust. He refers them to his directions against "Papistrie," as a token he does not tolerate it as alleged, "but as Papistrie is a disease of the minde, and Puritanisme is in the braine," so the only remedy "wilbe to haue a graue, setled, vniforme, and well ordered church, obedient to God and their king," etc. He commands them, therefore, to go forward.[1]

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[1] Calderwood, vol. vii. pp. 494, 495.

[2] *Ibid.* pp. 497, 498.

[3] *Ibid.* p. 505; Spottiswoode's History (Spottiswoode Society Ed.), vol. iii. pp. 261, 262.

[4] History of Scotland, by J. H. Burton, vol. vi. p. 53.

In the act granting the taxation, the plan proposed by the Earl of Melrose for taxing annualrents was fully incorporated. This act bears considerable internal evidence of being drafted by the secretary himself, and the scheme detailed for eliciting the facts from the annualrenters differs little either in principle or plan from that adopted at the present day as to the imposition of income-tax.[2] Soon after the parliament was over, the Privy Council was engaged with the carrying out of the scheme. The Earl of Mar, lord treasurer, was appointed collector, with the ordinary collectors under him. In a letter to the king the Council state that a beginning was made by the town of Edinburgh offering, in satisfaction of their whole taxation, £40,000 Scots, payable in four yearly instalments of £10,000 Scots. This sum they say is double the ordinary taxation of the burgh, and is proportioned to a principal sum of 1,800,000 merks, which they think is more than, under other circumstances, "wald haif come to light within the said burgh."[3]

CHAPTER FOURTEENTH.

MISCELLANEOUS—DEATH OF KING JAMES VI.

1621—1625.

DURING the years immediately following the parliament of 1621, there is little to record as to the Earl of Melrose. As already remarked, the struggle between the king and the people in Scotland as to church affairs had culminated, and the chief care of the authorities now seems to have been to insist on obedience. The king's intentions may be gathered from a letter to the Scottish Privy Council, in which, after referring to the passing of the five articles, he says, "We ar resolued that none haueing ony promotioun by ws salbe disobedient thairunto, and becaus, as we haif said in oure ΒΑΣΙΛΙΚΟΝ ΔΩΡΟΝ, that we will haif reformatioun to begin at oure awne elbo, quhilk is oure Preuie Counsell, the seates of justice and memberis thairof," he commands every one in office to conform to the articles under pain of dismissal.[1]

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[1] Original Letters relating to Ecclesiastical Affairs, vol. ii. pp. 662-664.

[2] Acts of the Parliaments of Scotland, vol. iv. pp. 597-600.

[3] The Melros Papers, vol. ii. pp. 436, 437.

The minute which records the reading of this letter in Council states that when the members were asked separately by the lord chancellor if they would conform, each replied that as they had hitherto given obedience so they would also obey in future. The next day was appointed for putting the question to the lords of session, with the advocates and writers to the signet. Calderwood, however, in his account of the matter, implies that the obedience thus professed was more apparent than real in some cases. He records that, when questioned, the councillors replied, "It behooved them to obey the king's lawes and acts of parliament;" but that some of them on retiring said that if they had been further urged, they would have answered as Mr. David Calderwood did to the king, that they would obey passively and not actively. When the advocates and others were called upon, they were not asked individually for conformity; the chancellor desired them to prepare to obey if they would escape the penalty named in the royal letter, and said he assured himself they would do as the lords had done. "So they were dismissed with this gentle and general admonition, without particular inquirie."[2] The obedience of the Earl of Melrose, however, was more rigid, for he even refused to take part in fasts prescribed by the ministers, if he were afraid the king would not approve. In April 1622, he made his usual report to the king of the manner in which the Easter communion was observed, when he admits that very few of his official brethren attended, the excuse given being the spring vacation of the courts.[3]

Two other matters engaged the earl's attention in the early part of 1622. The first arose out of a desire on the king's part to know what was done in regard to searching for pearls in Scotland. In reply, the earl wrote that commissions had been issued to Sir Robert Gordon, or his brother Sir Alexander, for the waters of Sutherland; to Lord Kintail for those in Ross; and to Mr. Patrick Maitland of Auchincreif for the Ythan, and other rivers in Aberdeenshire; with power to the last named to receive all the pearls found for the king's use, giving a reward to the finders. Sir Robert Gordon had not reported results, and Lord Kintail had not heard of any pearls since the date of his commission, while some men had been prosecuted for infringing the royal proclamation by purchasing pearls, but these were found of small value. The earl adds that pearls are also found in other waters in Scotland, as the Forth, the Cart beside Paisley, and some rivers in Galloway, though he hears not "of any pearles of wourth found thairin, except verie rarelie;" but he will issue commissions to preserve the pearls in these waters, if the king pleases.[1]

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[1] King's letter to Council, 29th September 1621, and minutes following thereupon; Original Letters relating to Ecclesiastical Affairs, vol. ii. pp. 670-672.

[2] Calderwood, vol. vii. p. 515. Chancellor Dunfermline was no friend to the bishops, and in the Privy Council, turning to those prelates who attended as witnesses, he sarcastically remarked, "You that are bishops sould take order with these things, which are mere spiritual, and not trouble the counsel with them; you sould first call men before your courts, and then, if there be caus, complaine."

[3] Original Letters relating to Ecclesiastical Affairs, pp. 678, 679.

The other matter was an application from the Earl of Caithness asking protection for himself and friends against creditors. This earl has already been referred to as suppressing the rebellion in Orkney in 1614, and as the present application is almost his last appearance in history, the circumstances may be briefly related, the rather as he and the Earl of Melrose had corresponded on the subject some years previously. The Earl of Caithness appears to have been of a selfish and intriguing disposition, and to have used his office of sheriff to oppress his neighbours and aggrandise himself. In 1618, he received from King James a remission for his numerous offences, which was sent to the secretary, then Lord Binning, to be handed to the earl on condition that he should make a resignation in favour of the bishop of Caithness of certain feu-lands, and that he should satisfy his numerous creditors. Lord Binning wrote to the earl more than once urging these terms upon him, and he appears to have fulfilled that part relating to the bishop.[2] His creditors, however, still pressed upon him, and, in 1621, their claims were still unsettled. In that year it was reported to King James that the Earl of Caithness was in rebellion, and that the district had become as barbarous as the most remote parts of the Highlands or Islands, but a letter from the Privy Council states that this report was not correct.[3]

It was proposed, however, to grant a commission to Sir Robert Gordon, then tutor of Sutherland, to proceed against the earl, but the Council agreed to this with some hesitation on account of the former feuds between Sutherland and Caithness. They suggested that Lord Gordon should be conjoined with Sir Robert, but nothing had been done in the matter a year later, when, as stated, the Earl of Caithness applied for legal protection against his creditors. The Earl of Melrose in his reply neither directly grants nor refuses the petition, but urges obedience to the laws and satisfaction to creditors. He commends the resolution of Caithness to sell lands for payment of his debts, reminding him of the king's anger should the bishop's complaints at the non-payment of his dues come to his knowledge, and also that the creditors might be forced to use extreme diligence if not reasonably dealt with.[1] What the secretary foretold came to pass; the bishop of Caithness, in the beginning of 1623, did complain to the king; a commission was issued against the Earl of Caithness, who fled to Orkney; his possessions were seized in the king's name, and the district so long held in disorder was pacified.[2]

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[1] The Melros Papers, vol. ii. pp. 446, 447. 30th January 1622.

[2] Vol. ii. of this work, pp. 84, 85, 135-137

[3] The Melros Papers, vol. ii. pp. 407-410.

In June of the year 1622 the secretary lost by death his most valued official colleague, Alexander Seton, Earl of Dunfermline, chancellor of Scotland. How he felt the chancellor's death is shown by his letters, both before and after the event. He refers to the regret that would be felt if the chancellor died, and frankly acknowledges that he himself would be unable to bear the extra labour caused by his decease. After Seton's death, the earl writes to a friend—"vnles his Majesty take some speedie course to place in that charge one of the worthiest and greatest autoritie in this kingdome, there is danger that his seruice may receiue preiudice. A greater part of the burding lyes vpon me nor I am able to beare. . . . The nobleman latelie deceased, bearing the weghtie end of the barrow, made my charge light at the lower staale, his sufficiencie and autoritie making my taske easie, but if I want the like relief by another's imployment in his place, I may shortlie incurre his Maiesties displeasour for want of sufficiencie . . . for eschewing wherof I haue prayed yow by all my letters wretin since the beginning of the lord chancelar's sickenes to represent to his Maiestie the necessitie of a readie resolution in the choice of a worthie officer in the place now vaiking, and will never cease to importune yow whill that busines be well setled."[3] From a letter addressed to the same correspondent by Archbishop Spottiswood it would appear that the Earl of Melrose himself was proposed as the new chancellor, but declined the office.[4] Sir George Hay, afterwards Earl of Kinnoull, was appointed.

In the beginning of 1623, the earl joined with his colleagues of the Privy Council in a remonstrance to the king, which is of some interest as giving a glimpse into the conditions of trade and farming in Scotland. The king had made a proposal that the wool grown in Scotland, which was not actually used or made into cloth, should be sent to England to be sold there, and nowhere else. As the Council delayed making reply, his Majesty addressed a peremptory letter to the Earl of Melrose, desiring a speedy answer. The Council explained that the cause of the delay was the necessity of having meetings of those interested in the question, by whom, they said, the proposal was deemed inconvenient, because of "the sensible and ineuitable evillis that it will produce, alsueele to the nobilitie and burrowis as to the poore commonis and labourars of the ground, who by this occasioun will not onlie be forced to cast thair rowmes in thair maisters handis, wherethrow thay wilbe depryued of the meanis and possibilite how to liue and to manteyne thair poore families, bot, with that, thay wilbe turned beggairs, and so become ane havy burdyne to the cuntrey, especialie at this tyme when the whole land is more fearfullie threatned with extreame penurie and want of victuall nor in ony other bipast yearis of oure memorie; and whilk is worse, the cuntrie wilbe far waikned and spoylled of a great nomber of goode subiectis, who, bothe with thair personis and pursis wer formarlie contributaris in the publict affaires of the estate; and it is weele knowne that the verie first brute and rumour of this intendit restrainte hes alreddie gevin prooffe of this inconuenient, in the personis of diuers tennentis, who, vpon this occasioun, hes gevin ouer thair rowmes, or forced thair maisters to diminishe thair rentis."[1] The Council sent a copy of the resolutions passed at the meeting which had been called to consider the subject, composed of persons from those shires where wool was most in request, and urged upon the king that they were too strong to be opposed. They say, "we wilbe bould to assure your Maiestie that the feare wherewith all men are generally possest in this matter is so extreame that the lyke hes not occurrit thir mony yeiris ago in this kingdome." So much is this the case, the Council add, that while they acknowledge the king's power to command obedience, if they send commissioners to treat of this matter without consent of parliament, they are assured they "shall incur the sclander and generall haitrent of the whole cuntrey as consentaris to that vniversall harme, whiche thay are persuadit is made vndeniablie manifest to euery one of us be thair discourses and thair articles in write." The conclusion of the letter suggests that even if the proposal were less objectionable the time is wholly unfit, as the country is "so destitute of victuall of oure awne, and moneyis to buy the forayne."[2]

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[1] Vol. ii. of this work, pp. 140, 141.

[2] Original Letters relating to Ecclesiastical Affairs, vol. ii. p. 708; cf. Pitcairn's Criminal Trials, vol. iii. p. 310.

[3] The Earl of Melros to John Murray, 19th June 1622; The Melros Papers, vol. ii. p. 462.

[4] Original Letters relating to Ecclesiastical Affairs, vol. ii. p. 690.

The king, however, was displeased at this remonstrance, and insisted upon commissioners being sent up.[3] Calderwood says his Majesty thought the Council too "presumpteous in their requeist; and that if he had been in Constantinople they might have sent commissioners to him, let be to London, to treate upon that mater before himself."[4] So commissioners were sent, "either suche as were at Court alreadie with the king, or as wold not offend." The immediate result was favourable to the wishes of the Scottish Council, but nothing was definitely settled, and the subject was still under discussion after the death of King James.[1]

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[1] The Melros Papers, vol. ii. pp. 485, 486, 490, 493. 16th and 23d January 1623.

[2] *Ibid.*

[3] The Melros Papers, vol. ii. p. 501.

[4] Calderwood, vol. vii. p. 570.

From a letter addressed by the earl to the king in March of this year, 1623, we learn that his Majesty was extremely anxious that the sudden departure of Charles, Prince of Wales, for Spain should not be misconstrued in Scotland. The earl, in pursuance of the royal command, transmitted through the chancellor, "that sinister rumours of that vnexpected resolution might be suppressed, and als litle speech of it dispersed as could be," sent for Mr. William Struthers, one of the ministers of Edinburgh, and, as he states in a letter to James, he directed Struthers "to warne all his colleagues to forbear all mention of that mater, till, by better occasion of knowledge of your Maiesties will, they might vnderstand how to behaue themselues dutifullie in a pourpose of such moment." Similar injunctions were also sent through the archbishops to the provinces, but the earl expresses a fear that the result would not be satisfactory, as the news of the prince's journey had been spread abroad two days before the arrival of the post with the king's orders. He therefore concludes that the report being so dispersed, nothing remains but to put on it "the best constructions that may be thoght of."[2]

A few weeks later the earl made his customary report to the king, as to the observance of Easter, but on this occasion he adds a comment, which seems to imply that he did not fully sympathise with the king's resolution to enforce immediate obedience. After stating what was done in the respective churches, he proceeds—"It is neither the bischops nor the most part of the ministers fault that better obedience is not given, bot we haue a nomber of ignorant and perverse people who *in vetitum nituntur;* and if withowt offense I may speake, I beleeue that time and convenience sall preuaile more to reduce them to conformitie nor suddane or vehement instance . . . least the scandall and difficultie of the remede sould be more hurtfull nor the toleration for a short space, the trouble of a rascallie multitude for a subiect which is pretexed with conscience not seeming seasonable, which I humblie submit to your Maiesties excellent wisdome."[3]

Another matter which had occupied the attention of the Privy Council at intervals for some months reached in May 1623 a climax which called forth a special display of the earl's characteristic energy. The president of the supreme court of justice is found figuring for the nonce in a warlike capacity, and carried away with the excitement of the occasion, he also appears to have dealt somewhat cavalierly with the magistrates of Edinburgh. The whole circumstances arose out of a question of inter-national law. In May 1622 a vessel from Dunkirk, then a Spanish port, arrived at Leith, and in pursuance of orders from the king as to the treatment of Spanish ships, the captain and crew received the attentions they required. While the ship lay at anchor in the roads two "waughters," or Dutch men-of-war, sailed up the Firth and attacked her, Spain and Holland being then engaged in hostilities. The battle began about one in the morning and lasted for two hours, the Dunkirker maintaining a stout and successful resistance. About four in the morning the secretary was informed, by some of the Spaniards who had been ashore, that the combat had ceased for the time only, because all three vessels had grounded with the ebb tide, and that it would be resumed when the tide returned unless prevented. As the chief officer of state then in Edinburgh, the earl summoned the few privy councillors in town, the provost and bailies, the constable of the castle, and the admiral-depute. He desired the magistrates to warn the citizens to rise in arms if necessary, and commanded the constable to have artillery and gunners ready to act. This done, he summoned the belligerents in due form, and required that each ship should send a principal man to appear before the Council.

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[1] The Melros Papers, vol. ii. pp. 505, 520; Acts of the Parliaments of Scotland, vol. v. pp. 171, 182.

[2] 3d March 1623. The Melros Papers, vol. ii. p. 507.

[3] 16th April 1623. Original Letters relating to Ecclesiastical Affairs, vol. ii. pp. 711, 712.

On their doing so, the earl challenged the Dutch for their presumption in attacking, in British waters, the ship of a power friendly to Great Britain. Their reply was that the Spanish ship had taken a number of prisoners, whom they desired might be restored. The Spaniard refused, and both parties were in the meantime bound over to keep the peace, although the admiral-depute reported that there was no force at hand to compel obedience "but by bringing ordonance from the castell to the shoare, to ding them [the ships] so long as they sould be within shot." The Earl of Melrose at once reported the matter to his Majesty, whose answer, to the perplexity of the Council, was delayed. The Council were doubtful what to do, and wrote to his Majesty again. Meanwhile the prisoners on board the Spanish ship petitioned every Council day that they might be set at liberty, as being in a neutral port, but the Council waited till they should hear from Court. Learning, however, that some of the captives were sick, the Council thought "that Christiane cheritie and humanitie in a matter of this kynd required a fauourable heiring and answer," and therefore two of the bailies of Edinburgh, with a physician, were despatched to visit the prisoners and report. The captains of the vessels were also summoned to show what was the custom of nations as to the detention or setting at liberty of the prisoners, special regard being had to those that were sick. All this the Council reported to the king, and pressed for a speedy answer and advice as to what they should do.[1]

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[1] Letter, 13th June 1622. The Melros Papers, vol. ii. pp. 456-459. 25th July 1622. *Ibid.* pp. 468, 469.

In January 1623 the ships were still much in the same relative position. Calderwood mentions one incident—the apprehension of a Scottish boat carrying out of the harbour some men from the Dunkirk vessel with provisions, which was thought important.[1] The Council, however, had received instructions from the king how to deal with the ships at Leith, and also with others, one Spanish and three Dutch, which were lying at Aberdeen. The prisoners in the Dunkirk ship at Leith were to be released on condition that the Dutch should not trouble her in her voyage home. But when this was proposed to the Spanish captain, he refused to deliver his captives without ransom, except by order from the King of Spain. This plan failing, the Council sent a herald to the Dutch captains requiring them to deliver their sails to one of the bailies of Edinburgh, that, according to "the custome of nationis," the Dunkirk vessel might have the advantage of two tides for her safe outgoing. A similar charge was sent to the Dutch captains at Aberdeen, but both there and at Leith they made excuses; they had received instructions to wait upon the Spanish ship which had destroyed their merchandise, and they could not deliver their sails without orders from their prince. The Scottish Council at this point again submitted a report of their doings to the king.[2]

A month later they again wrote as to their further proceedings, which, as before, consisted chiefly in dealing with the parties, summoning them to appear, when objections and difficulties were made, leaving matters as they were. The Council regretted they could take no active steps. One of the Dutch vessels lay in Leith harbour, but if they had arrested the captain, his admiral, whose vessel, stronger in men and artillery, lay in the roads, with the Dutch vessels at Aberdeen, would still have prevented the peaceable escape of the Spanish ship. In their letter they mention other considerations which prevented their active interposition, and these are also interesting as showing the condition of Scottish commerce at the period. Thus they say, "it is lyke aneugh, that vpoun this occasioun the shippis of this cuntrey, who ar bothe ritche and mony of thame oft tymes in the Low Cuntreyis, wald haif vnderlyne some trouble, it being weele knowne that one of oure shippis that tradis in Flanders is worthe foure of the best Holland shippis that comes heir." They therefore had to content themselves with again summoning the captains, and sending their usual appeal to his Majesty for advice.[3]

So matters stood until Sunday, 4th May 1623, when there was a sudden move in the game, and a series of incidents took place in rapid succession, which caused considerable excitement. On that day the Spanish ship, after a stay of eleven months at

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[1] Calderwood's History, vol. vii. p. 573.

[2] 23d January 1623. The Melros Papers, vol. ii. pp. 488-490.

[3] Letter, 15th February 1623. *Ibid.* pp. 497-500.

Leith, resolved to make an attempt to put to sea. On a former occasion she had tried to do so, but striking on a shoal to the east of the port, had lain for two tides at the mercy of the Dutch, who, however, forbore to use their advantage, and she was towed back again. This second attempt at escape was equally unsuccessful, and was attended with tragical consequences. Leaving the harbour by the night tide, the vessel again ran aground on the same shoal,[1] which, as the earl wrote to King James, all believed was done purposely, under pretence of obeying their king's orders to sail, and yet to find a pretext for remaining in port, and avoiding a combat. It was also said that, when the Scottish pilot on board remonstrated at the course taken, the Spanish captain, drawing his sword, threatened to kill him if he did not obey orders, and that when the ship struck and latterly was abandoned by her crew, they strangled the unfortunate pilot to conceal their own cowardice.

When the Dutch saw their enemy's plight they did not on this occasion forbear, but at once commenced an attack. The noise of the cannon strangely broke the stillness of the Sabbath morning, and the news was brought to the lord chancellor (Sir George Hay of Kinfauns) as he was going to church. He summoned the Council, and sent a herald to the Dutch requiring them to respect neutral waters. The Dutch, however, were slow to obey this demand, and one of their ships fired at the Spaniard so long as the tide served, under the very eyes of the Scottish dignitaries, who were now, Lord Melrose among them, congregated on the beach. When the ebb tide caused the firing to cease, the whole crew of the Dunkirk ship made their escape in confusion to the shore, abandoning their vessel to be plundered, only desirous, as it seemed, to save themselves, their clothes, swords, and muskets. Some of the rabble from the shore then began to plunder the ship, and were so zealous that neither the threats nor the blows of the chancellor and the other noblemen present could check them. They left the vessel, however, on the approach of the Dutch in their boats, who seized the Spanish ship, and hoisted the colours of the Prince of Orange. But when they retired, the vessel was taken possession of in the name of King James, and the Dutch colours replaced by those of Britain.

Next day two proclamations were issued requiring the citizens of Edinburgh to arm and come to Leith, and cannon to be brought thither from the castle; and that those who had taken part in plundering the Spanish ship should be accused to the Council. The latter proclamation was entirely disregarded, while the town of Edinburgh responded by no means heartily to the former, and the workmen whom they were to furnish to move the ordnance did their work very slowly. The Dutch captains also played with the summonses sent to them, and when the artillery was at last in position, "neer St. Nicholas chappell," ready to "ding vpon" them lying stranded with the ebb, they quietly kept the messenger until the tide turned, when, sailing beyond range, they sent back the herald without any definite assurance, but told the Council that if they went home without the ship, which was their lawful prize, they would be hanged; adding that they would rather die there with credit. This led the Council to fear they would burn the Spaniard during the night. The provost and bailies of Edinburgh, who came, but "evill accompanyed," to Leith, being pressed by the Earl of Melrose to guard the cannon there, pretended "their priuiledge not to serve, except within the bounds of their owne iurisdiction." Calderwood describes the scene which took place between the indignant earl and the burghers:—"The president, chyding the provest and baillies, said, 'I always said to his Majestie that Edinburgh was but a nest of tratours. I sall write to his Majestie of this your rebellion.' It was answeired, 'Your lordship may write what you will, but we sall be found loyall subjects; Edinburgh is not bound to serve in such a service without their burrow-rudes.'" As the cannon was planted outwith their bounds, nothing could be obtained but a promise to furnish sixty musketeers to guard the cannon, and to relieve them next day with the like number, under protestation that they should sustain no prejudice by this precedent.

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[1] Calderwood refers to it as the "Musslescape" (vol. vii. p. 573), and he and Lord Melrose both describe it as about two arrow-flights from the harbour.

The Council now gave orders to take out the guns of the Spanish ship, empty her of water, and repair the damage done by shot, that she might be brought into harbour. Relying on the promise made by the magistrates to guard the ordnance from the castle, the councillors retired to rest very late on the Monday night, not having slept the previous night; but the chancellor rose soon after midnight, and having taken precautions against further danger till the afternoon tide, returned to Edinburgh. Lord Melrose also was too zealous to sleep, and appears to have visited the ship and urged those on board to hasten the unloading of her guns, promising them recompence. He then went to inspect the ordnance lying near St. Nicholas, and found "no liveing man attending them," except two ordinary gunners from the castle. The citizens having failed to keep their word, he, seeing the exposed state of the cannon, according to his own account, "caused some who wer with me to take muskets and pikes, which I had caused bring from my house, and placed them to garde the ordonnance." Calderwood says, "The president, enraged, sent up at midnight in all haste to his lodging in Edinburgh for twentie-foure muskets, twentie-foure pickes, twentie-foure corslets, and caused arm his own attendants with them, and caused a proclamation be made betuixt one and two in the night charging all the inhabitants of Edinburgh to come doun to Leith in their armes under paine of death." When the provost and bailies, with a few townsmen, appeared on the scene only at two o'clock in the afternoon, the earl was so wrathful at their tardiness "that, prince-like, he bade them goe out of sight, and wold not speake to them."

When the chancellor returned from Edinburgh, he ordered every effort to be made for bringing the Spanish ship into the harbour, "and finding necessitie of much help of well affected gentlemen in respect of the visible slacknes of others, to whom it more properlie belonged, he sett all dignitie aside, and being most hartelie assisted by the noblemen and counsellours before named,[1] he not onlie commanded, but, for exemple, played the pioner to tow in the ship within the harbrie." Calderwood says:—"About foure efternoone (of Tuesday, 6th August), when it was full sea, all the skippers of Leith were sett on worke to bring in the Dunkirker ship called St. Ambrose. It was a sport to sie the lords and their gentlemen hailing St. Ambrose with a rope in to the harberie; but they laboured in vaine and out of time, for the water began to fall." The Dutch captains sent a message requiring a testimony under the great seal that they had done their best to destroy the ship, but were prevented by the Scottish forces; but as the Leith skippers had undertaken at the next tide to bring the ship into port, the officials did not reply, and returned to the town to sleep. The Dutch, however, took the matter into their own hands, and saved the Council further trouble, for on Wednesday, between two and three in the morning, they "shott their boates, came to the Dunkirker, requeisted all the men that were within, as they loved their lives, to goe furth, for they wold set her on fire, which they obeyed. Then they (the Dutch) tooke doun the king's colours, and efter they had kissed them and delivered them, they sett her on fire in foure sundrie parts." Such was the fate of the Spanish ship, and though Lord Melrose was informed of the deed in all haste, ere he reached Leith the vessel was burned past recovery.[2] Two days later the Dutch hoisted sail, and left the Firth.

On learning the fate of the vessel, the Council was convened, and a report sent to his Majesty. The Earl of Melrose also despatched an independent narrative, from which most of the preceding account has been taken, and which he concludes by referring to the conduct of the magistrates and townsmen of Edinburgh. Although the king, he says, will wonder at the barbarity of some and disobedience of others, he beseeches his Majesty to believe that the magistrates of Edinburgh have taken extreme pains and used the utmost diligence and authority—that is, to preserve neutrality, and to save the Spanish ship from destruction, but without success. The trade of the Scottish merchants and mariners with Holland was so profitable to them and necessary to the country, that these respects, joined with the conformity of religion between Scotland and Holland, and dislike to the Spaniards for the opposite reason, had so universally possessed the Scots with favour to the one and hatred to the other, that neither the Council nor magistrates, by commands or entreaties, could obtain service. When the magistrates (charges by their officers being disobeyed) were forced to enter men's houses and raise them from their tables, they could not draw them to service. He sees no way of punishing the delinquents, even should the king press for this, and he suggests that a fund should be raised which might be used for levying men and supplying provisions, to carry out his Majesty's authority, as proclamations which were disliked by the people had not the desired effect. Thus means would be provided to hire soldiers to punish the first manifest contempt of bad example, and so by the fear of punishment subdue the evil affected, and confirm the faithful in their obedience. The earl concludes his long letter by acknowledging that in the excitement of the moment he had given way to unnecessary indignation. "Passion," he says, "hath overcome me in some circumstances of this bussines, and moued me to doe and say more, both of our owne people and the Hollanders, nor a calmer time and exercise wold have required." But he excuses himself on the ground of zeal for his Majesty's service, and it would seem that the excitement, "toile of bodie by day and watching by night," had affected his eyesight, so that he could not, as usual, write to the king with his own hand. His last sentence is a repetition of his entreaty that the king would not "take any hard course" with the people of Edinburgh, but might rather be pleased to reclaim them by clemency.[1] The king, however, appears to have directed some proceedings to be taken; but the Council, although they declared the spoiling of the Spanish ship, the conduct of the magistrates and others, to be highly treasonable, postponed dealing with the matter from time to time, on various pretexts, and it appears to have been allowed to drop.[2]

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[1] The Earls of Melrose, Morton, Lothian, Buccleuch, and others.

[2] Calderwood, vol. vii. pp. 574, 575.

Very shortly after this affair of the Spanish ship, the Earl of Melrose was appointed one of a special commission to sit twice a week to redress grievances; but of this commission Calderwood says it "took noe effect, yit it served to feede the conceate of the people, discontented for the present at the appearand matche of Spaine and consequences therof." The feeling on this subject was manifested some months later when the earl, on receiving intimation from London of the prince's return, issued a proclamation requiring the people to give thanks, and to attend service in "the Grite Kirk" that day at three o'clock, and thereafter to show their joy by bonfires and other tokens. Accordingly, after sermon, "there was shooting of ordinance, ringing of bells, setting on of bonfires, with the greater contentment that the prince was not maried upon the daughter of Spaine."[1]

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[1] The Melros Papers, vol. ii. pp. 512-518.

[2] *Ibid.* pp. 521-524, 533-535, 540, 541, 548, 549.

In the month of April 1623, we find the earl, as one of a special committee of the Privy Council, again dealing with ecclesiastical questions. The agitation in opposition to the Five Articles of Perth, especially to that requiring kneeling at the communion, was now rather increased than diminished. The question came before the Council in connection with a meeting of the town-council with the kirk-session of St. Giles and other citizens, convened on 23d March 1624 "according to an ancient custome," when it was usual to present objections against the ministers, who retired to allow free speech. A special charge was made against Dr. William Forbes, one of the ministers, that he was preaching reconciliation with the doctrines of Romanism, upon which a dispute arose, which was referred to the advice of the other ministers, though without a satisfactory result. The approaching communion was then discussed, and several begged that it might be celebrated in the old manner, but this was refused. In the dispute as to Dr. Forbes' teaching, the Earl of Melrose was referred to in a way which is significant of the feelings with which he was regarded in this matter. Mr. John Hay, clerk of the town-council, waxing hot with another disputant, declared "he sould caus the secretar take order with him," to which his opponent replied, "He beleived the secretar wold not follow his direction."[2]

As a consequence of this refusal, several office-bearers of the church, most prominent among whom was William Rigg of Aithernie, one of the bailies of Edinburgh, declined to take part in the celebration. This being reported to the king, his Majesty sent directions to the Earl of Melrose and several of the Privy Council to summon William Rigg and the other persons accused, six in number, before them. This was done, and being interrogated, all agreed that the meeting of 23d March was lawful, being customary and cited by the ministers themselves, while some admitted and others denied that they had asked for the communion "after the auld maner." The official report of the depositions is very terse, but Calderwood gives a fuller account. Lord Melrose appears to have left the examination in chief to the chancellor, but now and then made a remark. Thus to one deponent he said, "I know ye have been intised by some to utter these words of your pastors," when it was replied, "My lord, the doctrine being flatt contrarie, and so publictlie delivered, moved me, when I heard the clerk demand thrise.'[3] Of another, John Mein, merchant, Calderwood narrates that he desired the communion "efter the old maner. 'Why noe, sir?' said the chancelour. 'Why noe, sir?' said the secretare, smyling and laughing, 'Why sould ye not be served according to your humour?'" Thus the examination was conducted in a friendly manner, and the accused answered simply and straightforwardly, not apprehending dangerous consequences.[1]

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[1] Calderwood, vol. vii. pp. 576, 580. Original Letters relating to Ecclesiastical Affairs, vol. ii. p. 729.

[2] Calderwood, vol. vii. pp. 596-598.

[3] Deposition of John Dickson, flesher; Calderwood, vol. vii. p. 603.

The commissioners in giving their report did so in a lenient spirit, and dealt somewhat particularly with the position and circumstances of the accused, that the punishment might not be too severe upon those of less means. But the king's reply was of such a nature that the commissioners, to whom apparently it was first addressed, were themselves alarmed at its probable effects, and they not only hesitated and delayed to carry it into execution, but concealed the full tenor of it even from their fellow-councillors. The actual terms of the king's answer cannot be learned from the Council's letters, but Rigg was to be deprived of his office as bailie and imprisoned, the others were also to be warded, while in addition the whole were to be fined, Rigg's fine being fixed at a very large amount. He was specially obnoxious to King James on account of his supposed agency in importing pamphlets against the Five Articles, and his Majesty, determining to make an example of him, imposed a fine so large as to be virtually confiscation.[2]

As this amounted to a forfeiture by the king's arbitrary will, without the consent of parliament, the precedent appeared so dangerous that the commissioners were driven to address a remonstrance to his Majesty, which is of value as a grave though somewhat obsequious protest by the Earl of Melrose and his colleagues against the king's policy. The commissioners, however, did not take this extreme step at first; they appear to have tried to direct matters so that the rigour of the king's intentions might not be known, or at least not inflicted. When they received the royal directions, after serious private consultation, they summoned the offenders to hear their sentence in presence of the whole Council. The parties appeared, and so far were the Council from proceeding to extremities, that on a statement being made by the ministers and others that Rigg had satisfied them as to his offence, this was accepted, and he was simply ordered to confinement in his own house, nothing being said of the fines. The other offenders were ordered to ward in various places. This was then reported to the king, it being assumed that as his Majesty desired nothing but obedience to the discipline of the kirk, the course taken was sufficient.[3]

Ere his Majesty could reply, the commissioners found that a rumour of the king's real intentions had got abroad, and was filling the public mind with alarm, and they therefore wrote the protest, which was probably drafted by Lord Melrose himself.

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[1] Calderwood, vol. vii. pp. 603, 606.

[2] *Ibid.* p. 607, states that it was "constantly reported" that the fine imposed on Rigg was £50,000 Scots.

[3] Original Letters relating to Ecclesiastical Affairs, vol. ii. pp. 748-750.

They beg his Majesty to take in good part their "humble opinioun concerning this fyne, whairin, as the Lord knowis, we haif no other thing befoir our eyis bot your Maiesties honnour and the generall content of youre subiectis, who at the first raising of the vncertane bruite of this fyne, quhairof the particulair is yitt vnknowne vnto thame, wer so moued with the rairnes of the mater, and the apprehension of feare vpoun the preparatiue and consequence thairof, as we haif not hard of a mater so hardlie tane with, and so dangerouslie apprehendit be all rankis of personis; for the lyke of this fyne wes neuer hard of in this kingdome, and thair wes never a cryme (how grevous soeuir) whilk wes punishable be fyneing that ressauit suche a censure; nor can the meanes of priuat personis afforde suche sowmes, and the man himselff, althoght in the generall opinioun of the people he be welthie, is not knowne to haif so mutche stocke as the sowme imposed; and yf it be left in record, it will importe the effect of ane forfeytour, and a depryving him of his wholl estate, whilk in a mater of this kynd, respect being had to the qualitie of the offence and quantitie of the fyne, will not be warrandit be example, and in the opinioun of mony will not subsist in course of justice. The consideratioun wherof hes moued ws hithertillis to conceale the fyne, being persuadit that the Counsell wald neuer allow thairof, and we wer loathe that ony of your Maiesteis directionis sould ressaue ane interruptioun or hard interpretatioun." They conclude by stating that, except as regards the fine, the king's pleasure in regard to Rigg and his companions has been given effect to, and with this punishment the writers beseech his Majesty to be satisfied.[1]

On the same day, Lord Melrose, as one of the Privy Council, joined in another letter to the king, regretting that he had taken offence at their leniency to Rigg, and stating that he had now been deprived of his office and committed to ward in Blackness. They explain, however, that the ministers themselves had interceded for him at the former meeting, even the archbishop of St. Andrews joining them in so doing, besides voting for delaying the declaration of the king's purpose.[2] The king was very angry at the remonstrance addressed to him, and pressed again and again for infliction of the fine. But the Council never yielded this point, and made the punishment actually inflicted as light as they could. On 3d February 1625, they allowed Rigg to be warded in his own house of Aithernie, in Fife; later, they granted further relaxations, and in September 1626 he was released, at the instance of the archbishop of St. Andrews.[3]

The remaining events between April 1624 and March 1625, when King James died, are of no special importance, and in regard to them Lord Melrose is named only along with his fellow privy councillors. Only one incident is of more than passing interest. On 25th May 1624, Calderwood tells us, a young boy, in the town of Dunfermline, in firing off a gun, allowed a piece of burning tinder to fall on the thatch of a house, which blazed up, and, aided by a high wind, the flames in about four hours "brunt the whole toun, some few sclat houses excepted."[1] This calamity was reported to the king and to the Prince of Wales by the Privy Council, and from their letters it is ascertained that the town of Dunfermline then contained 220 houses, and 287 families. The whole town was burned, with the furniture and provisions in the houses and barns, in which there were 500 bolls of victual, "whereby this poore toun, sometyme a floorisheing member of the body of this commonweele, and haueing within it sevin hundreth communicantis, with saxteene scoir of bairnis, of whome the eldest is not past sax yeiris of aige, is totalie ruyned and vndone, and the inhabitantis, who wer a companie of vertuous and industruous people, and paynefullie and cairfullie labourit for thair leving, ar reduceit to that extreame point of miserie that no thing is left thame bot the cloathis vpoun thair backis, without house or holde to repoise thair weyreit bodyis in, as some of ws who hes seene the desolatioun of this miserable toun can beare record."[2] The Council beg for aid to supply the sufferers in addition to what had been done, and promise to secure the proper distribution of any funds subscribed.

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[1] Original Letters relating to Ecclesiastical Affairs, vol. ii. pp. 752-754.

[2] *Ibid.* pp. 754-756.

[3] Original Letters relating to Ecclesiastical Affairs, vol. ii. pp. 764, 765, 768, 775, 776, 779, 780; Calderwood, vol. vii. pp. 615, 624, 629, 632.

This chapter may fitly close with the death, on Sunday 27th March 1625, of King James, whom Lord Melrose had zealously and faithfully served in various important offices of state for forty years. The news reached Edinburgh on 31st March, when Charles the First was proclaimed king. The only expression of opinion by Lord Melrose as to his late master which has been found is contained in a letter to Sir Robert Ker of Ancrum, gentleman of the bedchamber to the new king, who had written of King James's death. The earl acknowledges receipt of Sir Robert's letter, containing "the most sorowfull newes that I ever heard, with an addition giuing assured hope of comfort, in respect of the manifold and manifest vertues of our kings sonne and worthie successour of the best and happiest king (now enjoying eternall rest and blesse) that euer liued on earth." He then enters on details of public business.[3]

The Earl of Melrose was one of those noblemen who went from Scotland to attend the public funeral of King James on 7th May following, which was conducted with great pomp and magnificence, although Calderwood records that the "funerall night was so tempestuous with thunder and raine at London, and about, that the like passed the rememberance of man."[4]

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[1] Calderwood, vol. vii. p. 607.

[2] The Melros Papers, vol. ii. pp. 565-568.

[3] Correspondence of the Earls of Ancram and Lothian, vol. i. p. 33.

[4] Calderwood's History, vol. vii. p. 634; cf. Balfour's Annals, vol. ii. pp. 117, 118.

CHAPTER FIFTEENTH.

THE LANDS AND BARONIES ACQUIRED BY THOMAS, FIRST EARL OF HADDINGTON.

ACCORDING to his contemporaries the first Earl of Haddington accumulated, by his untiring industry and marked abilities, a large fortune, which he invested chiefly in land. Among his earliest acquisitions was part of the lands of the common myre, adjoining Priestfield, the history of which has been given in a previous memoir. He had also charters to himself in fee, and his father in liferent, of the lands of Priestfield, Balnabein, and Drumcairn, the last-named lands being secured to himself and his second wife, Margaret Foulis, in 1597.[1] As has already been stated, he took his title as a lord of session from the lands of Drumcairn, and was styled Lord Drumcairn.

In December 1596, his father, Thomas Hamilton of Priestfield, made over to him the kirklands of Dalmeny, and the grant was confirmed by the Crown.[2] About 1598, he or his father bought Humbie, in the parish of Kirkliston, Linlithgowshire,[3] from William Hamilton of Pardovan and Humbie, but the possession of this estate was, for a time at least, not very peaceable. In October 1599, a year after the purchase, William Hamilton of Pardovan, with his brother Mungo, and other ten persons, all armed with "hagbuts and pistolets," came to Humbie, and there, while one of the tenants of Lord Advocate Hamilton was ploughing they, with many threats, forced him to "lowse his pleuch, and leve the labouring of the saidis landis, avowing and sweiring, gif evir he streikit ane pleuch thairin thairefter that they sould hoche his oxin, and have his awin lyfe." A few days later they treated another tenant, Thomas Liston, a "waik ageit man," much in the same way; while on a third visit the marauders wounded another man to the hazard of his life. In consequence of these proceedings the lord advocate brought a complaint against the attacking parties before the Privy Council.[4] They refused to appear, and were denounced rebels, but matters were probably adjusted as nothing further is recorded.

The next purchase in order of date appears to have included the church lands of Easter Binny or Binning, Wester Binny, and Braidlaw, or Middle Binny, called the Nunlands. From whom the lord advocate acquired these lands is not clear, but they formed part of the possessions of the priory of Elcho, and when it was proposed to erect the priory into a temporal lordship, in favour of David, Lord Scone, they were exempted in favour of Lord Advocate Hamilton. In the same way, and at the same time, the church lands of Dalmeny were excepted from the grant of the abbacy of Jedburgh in favour of Alexander, Earl of Home.[1]

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[1] Instrument of sasine in Haddington Charter-chest.

[2] Register of Great Seal, Lib. xxxix. No. 163; Lib. xlii. No. 64.

[3] Anderson's House of Hamilton, p. 438. The lands of Humbie contain a valuable quarry, the stone of which is noted for its fine appearance and durability. [New Statistical Account, vol. i. p. 144.]

[4] Register of the Privy Council. vol. vi. p. 43.

About this time, also, the lord advocate acquired the lands of Wester Binny and others from Robert Bruce of Wester Binny, and Catherine Hamilton, his wife, who was a sister of Robert Hamilton of Inchmachan, or Ecclesmachan. These lands at one time belonged to a family of the name of Binny or Binning, and from them Sir Thomas Hamilton, when made a peer of parliament, took the title of Lord Binning. From an agreement made with Bruce in September 1601, it appears that the lord advocate gave the sum of 21,000 merks for the lands, and as this amount was not all paid at once, he granted security over the kirklands of Dalmeny. Other lands given in warrandice of the price were a part of the lands of Dalmeny bought from Alexander Moubray in Dalmeny and Robert Moubray, his son, with the lands of Mansion, Beidhouse and Barnbougle hill, acquired from David Dundas of Priestsinch. It is unnecessary to narrate the various clauses of the agreement, but these show what other lands in the neighbourhood the advocate held. In 1607 the lands of Wester Binny, and adjoining lands, with Orchardfield, the church lands referred to, and others, were all united and erected into one barony called the BARONY OF BINNY.[2]

In 1603 Lord Advocate Hamilton received a charter of the lands of Monkland, Auchengray, Gartsherrie Mains, and others. He purchased these and other lands in the barony of Monkland from Mark Ker, commendator of Newbattle, and had them erected in his own favour into a barony called the BARONY OF MONKLAND. He also had the patronage of the churches of Cadder and Monkland. About the same time he received the honour of knighthood, and was designated Sir Thomas Hamilton of Monkland. Previously he had taken the territorial designation of Binny. But a few years later, in 1607, he sold the barony of Monkland to Sir James Cleland, with the patronages. The barony was afterwards purchased by the Marquis of Hamilton, and about 1662 the patronages came into possession of the University of Glasgow.[3]

It was probably as a reward of his services in the trial of the ministers in 1606 that the advocate obtained the erection of his lands of Binny into a free barony. It was to be held blench of the Crown for a red rose at midsummer. Besides this erection, Sir Thomas Hamilton received a grant of all minerals and metals, gold, silver, copper, tin, and lead, or of whatever kind, to be found within the bounds of the lands and baronies of Ballincrieff, Bathgate, Drumcorse, Knok of Drumcorse, Tortraven, Torphichen, and Hilderstone, in the sheriffdom of Linlithgow. It was shortly after the date of this grant that the question arose between the king and Sir Thomas as to the silver found at Hilderstone, but when the precious metal was actually discovered is not certain.

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[1] Acts of the Parliaments of Scotland, 1606, vol. iv. p. 339.

[2] *Ibid.* 1607, vol. iv. p. 394.

[3] Munimenta Alme Universitatis Glasguensis, vol. i. pp. 383-385.

Two years later Sir Thomas Hamilton received a Crown charter confirming to him the possession of the barony of the Byres, the lands of Cauldrow, Mains of Drem, Dremhill, Coates, Middlethird, and Coatacres, within Drem; the lands of Muirton, Mungos Wells, Garmilton, and Harvieston, all within the constabulary of Haddington, and including the patronage of the church of Haddington and of the Lady Chapel of Drem. All these lands had belonged to the old family of Lindsay of the Byres, and were sold by John, eighth Lord Lindsay, to Sir Thomas Hamilton, for £33,333, 6s. 8d. Scots. The money was not, however, paid all at once, but by instalments, the last of which was discharged by Robert, ninth Lord Lindsay, on 13th June 1610, his brother, the eighth lord, having died in the previous November.[1] Sir Thomas also purchased the liferent right held over the lands by Anna Oliphant, Lady Lindsay, but the sum given is not stated.[2]

Two years after the completed purchase, Sir Thomas obtained from the Scottish parliament an act ratifying the various charters of his separate possessions, and uniting and erecting them all into one free BARONY OF THE BYRES. Sir Thomas Hamilton then adopted the new designation of the Byres. This barony included the lands of Byres, part of which had been held blench and part for the service of ward; but in consideration of the lord advocate's faithful services, the king granted that the whole be held in free blench. The lands of Binny were to be held blench, while the Nunlands of Wester Binny were to be held in feufarm for 22 merks yearly, the kirklands for 4 merks yearly, Drumcorse for £15, 15s. Scots yearly, and other lands, as stated.[3]

In 1621, Sir Thomas Hamilton, now raised to the peerage as Earl of Melrose, again had his various lands confirmed to him by parliament. They had considerably increased in number and extent. Besides the baronies of Byres and Binny, the earl held the barony of Samuelston, in the shire of Haddington, with patronages of the chapel of St. Nicolas of Samuelston and the parish church of Athelstaneford. The barony of Byres was included in that of Binny, now called Binning, and to it was added a large accession of property, known as the temple lands of Drem, and including the superiority of numerous temple lands in several counties of Scotland. These temple lands, or rather the superiority of them, were acquired from Lord Torphichen, the superior of all the temple lands in Scotland, about 1599, by Robert Williamson of Muirston or Murehouse, and were purchased from him by Lord Binning in 1615. Lord Binning then resigned them into the hands of the Crown on 5th October 1615, and received, it is said, a new charter adding them to his lands of Drem, and erecting the whole into a regality called the REGALITY OF DREM.[1]

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[1] Discharge by Robert, Lord Lindsay, 13th June 1610, in Haddington Charter-chest.

[2] Discharge, 19th June 1610, *ibid.*

[3] Acts of the Parliaments of Scotland, vol. iv. pp. 484-486.

A list of charters granted by the Earl of Melrose, as superior of temple lands, between 1615 and 1627, was found among the papers of his descendant, the Hon. John Hamilton of Drem, and shows that he granted a large number of charters in those years. The list is a long one, and includes temple lands in the West Bow, Castle Wynd, Cowgate, and elsewhere in Edinburgh, in Leith, in the shires of Haddington, Fife, Stirling, Clackmannan, Peebles, Linlithgow, Lanark, Kirkcudbright, Kincardine, Aberdeen, Banff, Inverness, Berwick, and Ayr.[2]

Another large addition to the earl's possessions was the lordship of Melrose, from which he took his title of earl, and which was purchased by him shortly before 30th September 1618. The lands and baronies which had belonged to the abbacy of Melrose had, in 1609, been conferred upon Sir John Ramsay, who was created Viscount of Haddington for his good service to the king in the Gowrie conspiracy at Perth, and at a later period Earl of Holderness. Lord Binning acquired Melrose from Ramsay, with the mills of Melrose and Redpath, the lands of Drygrange, Sorulesfield, and others in the neighbourhood, and lands in the Lammermoors, the whole being valued in 1630 at a yearly rent of £3320. Besides this the feu and tax duties, which were paid to him as superior of the remaining lands of the abbey of Melrose, extended to £5048, 6s. 8d., subject to certain deductions.[3] These lands, with Samuelston and Binning, were all ratified by parliament to the Earl of Melrose, no doubt as his reward for so energetically supporting the king's ecclesiastical policy.[4]

There are preserved in the Haddington Charter-chest five registers of writs relating to the abbey of Melrose. The oldest of these is a large paper folio, dating about 1555, and containing rough copies of charters, tacks, etc., chiefly to smaller tenants, and especially to such as were feuars of the lands of Lessudden or St. Boswells. The other registers relate to the time of Thomas, Earl of Melrose and Haddington. One of them, the later pages of which are in a very decayed condition, contains charters granted by him between 1622 and 1636 to vassals in Redpath and Lessudden. Another contains chiefly notes of writs affecting Newstead, near Melrose. A third appears to deal with lands in Ayrshire, while the fourth contains charters by James Ainslie of Darnick, a merchant burgess of Edinburgh, to the feuars on his property between 1616 and 1619.

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[1] Information for the Hon. John Hamilton, 1748. Templaria.

[2] List of Charters, etc., 1830.

[3] Morton's Monastic Annals of Teviotdale, pp. 246, 282.

[4] Acts of the Parliaments of Scotland, vol. iv. pp. 640-644.

Another register of some interest in this connection, though not in the same custody, is the "Baillie Court Book of the Regality of Melrose, 1605-1609." It relates to a period prior to Sir Thomas Hamilton's possession of the lands, but the discipline then maintained was probably continued in his day. Besides services of heirs and other matters affecting ownership of lands, there are regulations laid down by the bailie-depute, Walter Chisholm of Chisholm, for the government of the burgh of Melrose. These differ little in general matters from police acts of the present day, the chief points of distinction perhaps being those relating to the observance of the Sunday. Among other statutes, it is enacted that if any fleshers or "oistlaris" (innkeepers) "sellis meit, drink, or flesche on the Sabothe day within the toun of Melrose, the oistlaris the tyme of preiching, and the flescharis the said haly day," they shall be punished in terms of the act of parliament. Another enactment of a similar nature is "anent nycht drinkers, tuilzeris and vagabonds and disturberis of thair nychboris," that whatever indweller in the regality of Melrose "beis fund drunk and in hoistler housis efter nyne hours at evin, that thai sall pay to the baillie the soume of fourtie schillingis money, and sall satisfie the kirk for thair abuise, *toties quoties*, and the hoistlar wyfe that sellis thame drink fra that houre bake sall pay the lyke soume."[1]

In 1623, the Privy Council ratified the settlement of a question which had arisen between the Earl of Melrose and the town of Haddington as to their respective rights of commonty over the moor of Gladsmoor. As already stated, Lord Melrose had acquired the neighbouring lands and baronies of Byres and Samuelston, and with them the rights of commonty belonging to them respectively. From the agreement between the earl and the burgh it appears that at a former date, not stated, a perambulation of the moor had been made, and a division effected among the neighbouring proprietors, but the marches of Samuelston had been left undefined, and the rights of Lord Lindsay, then proprietor of the Byres, as to common pasturage, had been reserved. The Earl of Melrose, as successor in these rights, obtained, on 30th May 1623, a grant of the moor, and raised an action against the provost and bailies of Haddington for reducing their infeftments. The matter, however, was arranged, and the earl, with consent of his son, Thomas, Lord Binning, agreed to recognise the town's rights under their charter of the moor from King James the Fifth, and to share the commonty accordingly. His share of the division is described as "that pairt of the said haill mure of Glaidismure quhilk lyis bewest that peece of earth callit the mount or moit of Glaidismure, to be divydit frome the rest of the mure be ane direct lyn to be drawne frome the north marche of Glaidismure to the said mount or moit of Glaidismure to the south marche of the samyne mure," the town of Haddington obtaining the remainder of the moor. The necessary formalities of possession were adjusted on this footing, and the agreement was formally ratified by the Council as stated, and afterwards by King James the Sixth.[1] The earl, however, did not obtain full possession of his part of the moor without an action against some other proprietors; but they found caution to remove, and the proceedings ceased. John, fourth Earl of Haddington, in 1648, granted a feu of his part of the moor to Mr. Robert Hodge at a yearly feu of 20 merks.[2]

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[1] Original Court Book in H.M. General Register House, Edinburgh.

In 1628, the Earl of Melrose, who had now exchanged that name for the title of Earl of Haddington, purchased the estate of Tynninghame, in the county of Haddington. This property was an ancient possession of the bishops of St. Andrews, and was used by them as a country seat so early as the thirteenth century. About 1516, the lands were granted by the archbishop of St. Andrews in lease to Robert Lauder of the Bass, and twenty years later they were given to him or his son in feu. The lairds of the Bass held Tynninghame until 1621, when they sold or mortgaged them to the court favourite, John Murray of Lochmaben, gentleman of the bed-chamber, afterwards created Viscount of Annan and Earl of Annandale. He in turn sold them to the Earl of Haddington in 1627, and the latter completed his title in January 1628.[3]

The barony of Tynninghame, as purchased by Lord Haddington, comprehended the mains and other lands of Tynninghame, the lands of Knowis, Kirklandhill, and others, and the sum paid for the whole barony was two hundred thousand merks. The lands of Tynninghame were to be held of the archbishop of St. Andrews as superior, and the lands of Kirklandhill of the regent and masters of the New College of St. Andrews.[4]

Later acquisitions by the Earl of Haddington were the lands of Luffness, in the county of Haddington, and Coldstream and Coldenknows, in Berwickshire, of which he had Crown charters in 1633 and 1634. But these lands were sold, and the history of their purchase does not clearly appear among the papers now in the family Charter-chest.[5]

To give some idea of the large annual income which accrued from the many lands and baronies thus enumerated, the substance of a rental prepared from the crop of the year 1635 may be given. Most of the rent was paid in grain, and the sum-total of grain from each barony is here given, without particularising the grain.[6]

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[1] Extract Act of Council, 9th December 1623, ratifying agreement dated 5th and 6th December 1623, in Haddington Charter-chest; also ratification by the king, 30th January 1624, *ibid.*

[2] Old Inventory in Haddington Charter-chest. For this grant Mr. Hodge paid the earl 10,000 merks.

[3] Inventory of Tynninghame Writs in Haddington Charter-chest.

[4] *Ibid.*

[5] Register of the Great Seal MS., Lib. liv. Nos. 149, 230, and 311.

[6] Original rental in Haddington Charter-chest. Crop 1635.

		Chalders.	Bolls.	Firlots.	Pecks.
Tynninghame,	Grain rental,	102	1	0	0
Byres,	Do.	90	8	1	1
Luffness,	Do.	39	13	1	1¼
Barnbougle, Dalmeny, and other lands in Linlithgowshire,	Do.	106	0	3	0¼
Coldstream,	Do.	72	4	2	3
Melrose,	Do.	25	7	2	3
Lordship of Jedburgh,	Do.	2	15	0	0
Samuelston,	Do.	30	1	1	1
Snook and Lennelhill,	Do.	2	7	0	0

Besides these grain rents a money rent or silver duty was drawn from each barony as follows :—

Tynninghame,	Silver duty,	£300	0	0
Lammermoor, portion of Byres; Kingside, Penshiel, Priestlaw, and Friarsdykes,	Do.	1206	13	4
Luffness,	Do.	173	3	4
Barnbougle, etc.,	Do.	3392	19	8
Coldstream,	Do.	185	2	0
Coldenknowes, Earlston, and Craiksford, of which barony there was no grain rent,	Do.	3502	3	4
Melrose,	Do.	8286	2	10
Jedburgh,	Do.	1369	3	2
Samuelston,	Do.	533	6	8
Lennelhill and Snook,	Do.	2133	6	8

The total amount of the victual rent is estimated at 472 chalders 1 boll 2 firlots, the precise value of which in money is difficult to fix, as the prices of the grain vary, but the average value seems to be about £100 per chalder, thus approaching a rental of £47,200 Scots yearly. The money duties amounted to £21,082, 2s., making in all £68,282, 2s. Scots, of gross rental, a very large sum at that time, and forming an income which fully justified the estimate by the king and other contemporaries of the vast wealth of the first Earl of Haddington.

Chapter Sixteenth.

LATER YEARS AND DEATH.

At this point of our history we lose the assistance of the collection of documents known as "The Melros Papers," which, with similar collections of the same period, come to a close with the reign of King James the Sixth. These papers, consisting chiefly of his own letters, afford much information regarding the Earl of Melrose, but from this date the notices of him become comparatively few and scattered, and require to be gleaned from many sources. One reason for the cessation of the correspondence which thus bears his name, lies in the fact that, under the reign of King Charles the First, the Earl of Melrose experienced a change of fortune, and ceased to have the prominence in state affairs which he held under the late king. The change, however, was not brought about immediately, and for the first few months we find him acting under King Charles as he had done under King James. One of his first official acts was to prepare the proclamation of the new monarch, and to take part in the ceremony attending its publication.[1] When he went to London in May 1625, he not only attended the funeral ceremony of the late king, but kissed the hands of his successor as one of the officers of state,[2] while on 14th May he received a formal ratification and regrant of his offices of principal secretary and keeper of the signets.[3]

In November 1625 the first serious indication of the new policy was given by a proclamation of a general revocation by the king of all grants by the Crown and all alienations of Crown property whether before or after the annexation act of 1587. It was usual for the Scottish kings, who for the most part had come to the throne during their minority, to revoke, in accordance with the law of Scotland and by the consent of parliament, all charters granted during their nonage, which might be held prejudicial to the Crown. The mere fact of such a revocation was legitimate enough, though it may be noted that Charles the First was not a minor when he succeeded, but his revocation greatly exceeded in its scope all similar documents. As put by a recent historian "it professed to sweep into the royal treasury the whole of the vast ecclesiastical estates which had passed into the hands of the territorial potentates from the Reformation downwards, since it went back to things done before King James's annexation."[4]

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[1] Correspondence of the Earls of Ancram and Lothian, vol. i. pp. 34, 35; Calderwood's History, vol. vii. p. 633.

[2] Balfour's Annals, vol. ii. p. 116. On 13th April 1625, the new king addressed a letter to Sir George Hay, chancellor, the Earl of Mar, treasurer, and the Earl of Melrose, secretary, commending their faithful services, and continuing them in their offices for life. [Vol. ii. of this work, pp. 88, 89.]

[3] Original ratification, etc., vol. ii. of this work, pp. 294, 295.

[4] History of Scotland, by J. H. Burton, 2d ed. vol. vi. p. 75.

This refers more especially to grants of "teinds," or tithes, which were not named in the act of annexation, but which were included in and affected by the revocation of King Charles. He maintained that the receivers of these revenues were illegally in possession of them, as they belonged permanently, not to the men who drew them, but to the ecclesiastical offices to which they were originally attached. This in the main is the modern view, as the revenues of suppressed ecclesiastical offices are held to belong to the nation, and are defended by parliament from misappropriation. Another point on which the new king laid emphasis was the fact, that the owner of the soil was too often at the mercy of the tithe owner. As the grain could not be removed from the ground before the teind sheaves were taken, the corn might, and in some extreme cases was allowed to rot on the land before the "teindmaster" took his tithe. Other forms of oppression were used, and moreover the tithes upon which the clergy depended for their subsistence were irregularly paid. The king's views on the subject of teinds and ecclesiastical revenues were therefore in themselves just and enlightened enough, but his method of carrying them into effect was, to quote a living historian, "harsh and impolitic." Not only was his act of revocation couched in language so extreme that it was sure to excite enmity, but "it sinned against the principle that long possession is entitled to consideration for the sake of persons totally innocent of the original wrong whose interests have grown up around it."[1]

The proclamation also was interpreted as an attempt to revoke, as by royal prerogative without parliamentary sanction, all those grants which had been fortified by a parliamentary title in being confirmed by an act of the Estates, and this, with the sweeping character of the act, caused no small ferment in Scotland.[2] A contemporary writer refers to the revocation as "the groundstone of all the mischeiffe that folloued after, bothe this kinges gouerniment and family;" and, he adds, "whoeuer wer the contriuers, they and all ther posterity deserue to be reputted by thir thre kingdomes infamous and accursed for euer."[3] This sufficiently shows the strength and vigour of the opposition which the king's proclamation called forth, especially among the greater nobility, in which it would appear that Lord Melrose joined. No one indeed could have felt the effect of the revocation more than he, possessing as he did a great part of the rich abbacy of Melrose, the lands of the priory of Coldstream, and many templar and other lands formerly belonging to the church, most of which he had acquired, not by direct alienation from the Crown, but by purchase from former owners. His name therefore occurs among those nobles who at first most strongly opposed the king's policy, others being the chancellor, and the Earls of Mar, Roxburgh, and Morton.[1]

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[1] History of England, by S. R. Gardiner, vol. vii. p. 277.

[2] Burton's History of Scotland, 2d ed. vol. vi. p. 75.

[3] Balfour's Annals, vol. ii. p. 128.

Two months after his first proclamation the king issued another explanatory of the first, and limiting the terms of the revocation, also laying emphasis on the fact that he wished every heritor to possess his own teinds on reasonable conditions, while those who already possessed them should have them confirmed.[2] This second proclamation does not appear to have allayed the agitation, probably because it was somewhat doubtfully worded. Some private memoranda of the Earl of Melrose show that he did not approve of it, as he deemed most of its clauses too indefinite, and because, where the patrimony of the Crown was really affected, the ordinary processes of law were sufficient to secure redress without such a sweeping exercise of the prerogative.[3] This second proclamation was followed by alterations in the court of session, and other changes which were perhaps intended to further the king's views. These had been proposed to a Convention of Estates in November 1625, who advised his Majesty not to make any alteration in the session without consulting them; but now the king wrote to the Council his wish that henceforth no judge or lord of session should be a privy councillor (the lord chancellor being excepted), and no privy councillor should be on the session, except the four extraordinary lords provided by the original constitution. In terms of this letter another of same date was addressed to the officers of state, requiring them to surrender their places as lords of session, on the plea that these were void by the late king's death, with a menace that if they did not resign, their offices would be disposed of.[4]

By this missive the Earl of Melrose was compelled to resign his post as president of the court of session, and almost immediately afterwards another royal letter informed him that, though nominally retaining the office of secretary, he was practically superseded by the appointment of Sir William Alexander (afterwards Earl of Stirling), as resident secretary at the English Court. Lord Melrose naturally resented this treatment after his long and faithful service, and remonstrated, but he received no satisfaction. The king wrote assuring him there was no intention to wrong him, nor derogate from his privilege or benefit, nor yet was he to think that it was "by sinistrous suggestiones and calumnies of informers" that he had been superseded. He was reminded that, when he himself was at Court, the necessity of a secretary resident there had been considered, and Sir William Alexander virtually appointed, when the earl might have objected had he chosen. A private letter, intended to be conciliatory in tone, was also written to the earl by Sir William Alexander, repeating the statements made in the royal missive, but expressing friendly feelings and desiring reciprocation. Other letters from Sir William of an earlier date are also friendly in tone, bespeaking Lord Melrose's aid in promoting the new order of baronets.[1]

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[1] Forbes on Tithes, p. 260.

[2] 26th January 1626. Register of Royal Letters, pp. 11-13.

[3] Original Memoranda in Haddington Charter-chest.

[4] Register of Royal Letters, vol. i. p. 13.

Meanwhile the question of the king's revocation still exercised the nobles. One authority states that the king summoned the dissenting lords to a conference at London, where he stated the case from his point of view, and allowed them to state theirs, but that they were at last persuaded to gratify his Majesty.[2] Whether such a conference actually took place is not clear, but the king issued another explanatory letter to his Scottish Council, further restricting the scope of his revocation, and offering compensation to those tithe-owners who voluntarily submitted or surrendered their rights before 1st January 1627, while he proposed to appoint a commission to deal with the rights of all parties concerned.[3] Too many interests, however, were still affected for an immediate obedience to this proposal, and the opposition still continued. Accordingly, as an alternative, the king resolved to try the point in a court of law, and on 26th August 1626, a summons of reduction was issued against the lords of erection to declare their rights null.[4]

This step at once produced the desired effect, a deputation being despatched to Court to treat with the king. The commissioners, who were three in number, were the Earls of Rothes, Linlithgow, and Loudoun. Balfour says that they were empowered to make reasonable offers to his Majesty, but they were stopped at Stamford by the king's order, while their petition was forwarded to Court.[5] This statement is corroborated by a royal missive to the Earl of Melrose, from which it appears that he had been the chief adviser in regard to the intended petition and the "reasonable offers." It was explained to him that, though the king liked well of their intentions, he was yet not pleased that they should have set out without his permission, and had therefore caused them to be delayed.[6] It is related that when the king came to examine the petition, he stormed at it as of too high a character for subjects and petitioners, but shortly afterwards, on acknowledging their error, the commissioners were pardoned and allowed to proceed to Court.[7] With the king's ideas of the royal prerogative it was perhaps not difficult to offend, but it is possible that the obnoxious clauses referred to the calling of a parliament, which the Earl of Melrose had urged upon his Majesty. Charles preferred to govern without parliaments if possible, and while he wrote the earl a mild refusal, he probably "stormed" at a petition which contained a plea for the objectionable assembly.

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[1] Vol. ii. of this work, pp. 89, 145-147.

[2] Forbes on Tithes, pp. 260, 261.

[3] 11th July 1626, Register of Royal Letters, pp. 58, 59.

[4] Connell on Tithes, Appendix, No. 39.

[5] Balfour, vol. ii. pp. 151-153.

[6] Register of Royal Letters, vol. i. p. 103.

[7] Balfour, vol. ii. p. 153. This story is so far confirmed by a royal missive addressed to the three envoys, informing them that his Majesty is not pleased with some things in their petition, "as nather agrieing with the duetifulnes of loveing subjects nor with the modestie of humble supplicants," and suggesting that, if they have no further instructions, they should return home; but permitting them to come to Court if they crave pardon, and have "a charge to mak offers of a sure course" to the king, such as he could accept. [Register of Royal Letters, vol. i. p. 109.]

Matters, however, were amicably arranged, and the three envoys signed a compact with the king, acknowledging his gracious disposition in limiting the terms of his revocation to a few particulars tending to free his subjects from oppression and increase the Crown rental. They consented that every proprietor of land, the ministers being competently provided, should have his own tithes on reasonable conditions, and that a certain yearly rent should be reserved from every parsonage and vicarage for his Majesty's rental, to be paid as arranged, the king giving the necessary security at the next parliament. In regard to the superiorities of church lands, the envoys had no instructions; but if reasonable compensation was promised to the possessors of such, they would endeavour to further the king's wishes. They also consented that heritable offices should be surrendered on similar terms, that a certain unalienable patrimony of the Crown should be established in the next parliament, and a law made for resuming any part thereof which should happen to be alienated; and also, that it should not be lawful for his Majesty's successors to claim any further than should, with advice of the Estates, be secured in the next parliament.[1]

The terms of this arrangement have been given at length, not only because it formed the basis of what followed, but also because probably it was the product of Lord Melrose's advice to the three commissioners. That he was deeply interested appears from a royal letter addressed to him immediately after the compact was signed. He is referred to as one of those who signed the petition, and he is informed that the king is to grant a new commission to deal with those concerned. The king accepts the earl's expressed acquiescence, and bids him lay aside all personal feeling, and act as became one of the royal servants. As to the earl's desire for a parliament, the king agrees to it if the commission be successful in its results. Some days later, the king writes more cordially that he has been assured of the earl's willingness and earnestness in his service, and promising acknowledgment of his continued zeal.[2]

The earl, accordingly, from this time appears to have given the full aid of his experience and influence to carry out the king's purpose. He was appointed a member of the commission to receive surrenders of superiorities and tithes, and to treat as to valuation and sale of teinds, stipends of ministers, etc.[3] The commissioners began their sittings on or about 1st March 1627, and Lord Melrose was one of the first to make a surrender of his teinds, superiorities, and heritable offices, which he offered to submit to the decision of the commissioners as to the conditions of compensation. There are two drafts of the earl's offer, the first, in general terms, bearing date — March 1627, the second, dated 12th April of that year, which was probably the one actually presented. In it the earl specifically, in discharge of his "bundin duetie" to his Majesty, offered freely to renounce all the superiorities which he possessed by the erection of Coldstream, and to sell to the king every hundred pounds of feu-duty due to the seller by the erection, for one thousand pounds or less, if it be found expedient. The earl further offered to give his Majesty ten shillings for every boll of wheat led by him, eight shillings for every boll of bear, and six shillings for every boll of oats, or other sum as modified by the commissioners. The terms of this offer, as regards sale of feu-duty, are identical with those of the Earl of Lauderdale, given in a few days before, and were objected to by some as being too cheap, but it was adopted as the basis of later transactions.[1] At a later date, the earl made a more ample and formal renunciation of his superiorities without any condition as to recompence, except what his Majesty should be pleased to give; submitting also to the king the amount of satisfaction to be given for each hundred merks of feu-duty, and the valuation of the tithes. To this renunciation, however, the earl adds a hope that the king will remember that he had no erections but what he had bought "at dear rates, and speciallie Melros, from the late Erle of Holdernes, to whom it was gevin for memorabill seruice." [2]

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[1] Copy, "Answers to his Maiesteis demaundis," in Haddington Charter-chest.

[2] 17th January 1627. Register of Royal Letters, vol. i. pp. 119, 123.

[3] Connell on Tithes, Book iii. chap. i. App. No. 40.

It is unnecessary to follow the actings of the commissioners, as their labours extended over many years. In 1630 the earl was appointed one of the sub-committee for expediting the work, and receiving reports.[3] From some of his letters it appears that the commission during its early sittings was interfered with by the clergy, especially the bishops, who took up an attitude hostile to its proceedings, and in regard to whom the earl wrote indignantly to the Earl of Roxburgh, then at Court. He says, "the bishops are vnwilling that the commission sould take wished effect, because it offers great mitigation to pairteis cheiflie interessed, owt of his Maiesteis gracious and equetable disposition, much different from the first proiects devysed . . . some of the clergie profes publicklie that this commission is a worke tending to abuse his Maiesteis exspectation of any benefite be it, since it cannot take any conclusion for the space of twentie yeirs," on account of the many details and interests involved, and yet, the earl adds, "they proceed soe precipitatlie as they appeare to think that all may be easilie concluded befoir the first of August."[1]

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[1] Original drafts in Haddington Charter-chest; vol. ii. of this work, p. 153; Acts of the Parliaments of Scotland, vol. v. p. 198.

[2] Original Renunciation, dated 22d August 1627, vol. ii. of this work, p. 296.

[3] Connell on Tithes, vol. ii. pp. 84, 104.

The bishop of Ross (Patrick Lindsay), was the principal mouthpiece of the opposition party, and entered a protest against a particular clause in the summons warning heritors and others to appear for their interest. Lord Melrose desired the clerk to record that the bishop's protest was without warrant from those in whose name he made it. The other bishops were silent, but, writes the earl, "when their expressions to their confidentes is duly considered and conferred (compared), it is still beleeued by many that their cheif aym is to distroy the erections grantit by blissed King James, and ratified be the whole estates of parliament, and to incrotch to themselfs all the teynds, which will be found too great a morsell for their greedie mouthes." Towards the close of his letter the earl expresses an opinion that if the king be not truly informed that the bishop's protest tends to disappoint altogether the royal intention to secure to every heritor his own teinds, and to the king a constant rent, the commission will cease to meet, and they will press forward the revocation and process of reduction. He suggests further that, in fairness to all parties, the bishops' superiorities and teinds should be dealt with in the same manner as those of lay owners, provision being made that the episcopal incomes suffer no diminution.[2] It may be added that a deputation from the clergy went to Court, and received a satisfactory explanation from the king, who, however, administered a sharp rebuke to the Scottish prelates for the attitude adopted by them.[3]

Other letters to the Earl of Roxburgh refer also to difficulties which might arise in the work of the commission, but these are not of special importance.[4] A few further items summing up the connection of the Earl of Melrose with the tithe question may be stated here. In February 1628, he, with other noblemen, lords of erections, signed a formal submission of their claims to the arbitration of the king, in addition to which his own private submission made some months before had been seen and approved by his Majesty, who, in March 1628, summoned him to Court to advise upon the decree to be issued. The decreets-arbitral, when pronounced, were sent to him, the chancellor being absent, to be published.[5] These decreets, which were ratified by a Convention of Estates in 1630, are still held to be the basis of all regulations in regard to tithes, and the payment of stipends to the ministers of the established church in Scotland, who were provided with a regular permanent endowment. It is highly probable that this is due to the sound advice tendered in the matter by Lord Melrose, and the other privy councillors consulted.

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[1] Vol. ii. of this work, pp. 148, 149.

[2] *Ibid.* pp. 149-151.

[3] Register of Royal Letters, pp. 174, 175.

[4] Vol. ii. of this work, pp. 151-153.

[5] Acts of the Parliaments of Scotland, vol. v. pp. 189-192, 218; Register of Royal Letters, p. 205; cf. pp. 250, 263, 372.

Apart from the proceedings of the commission on tithes, the public references to the Earl of Melrose, during the remaining years of his life, are not specially important, though it may be taken for granted that he was concerned in all public affairs. In the beginning of the year 1627 he was appointed one of the commissioners of exchequer.[1] Shortly afterwards he was applied to by the king in regard to his silver mine at Hilderstone, which apparently was still being worked by a company, but at a loss. The king desired Lord Melrose, as master of mines in Scotland, to arrange with that company for their resignation in favour of Lord Gordon, Sir Alexander Napier, and others, who had a warrant to search for silver, and who wished to work the Hilderstone mine. In April of the same year the earl received a formal approbation and ratification of his services, and in an accompanying missive the king states that in regard of "many prooffes" he had received of the earl's good service to himself and his late father, and because "even the best sort of officers" may become liable to censure, he sends the earl a "free discharge" of all such errors of the past, and trusts he will continue to "deserve a further testimonie" of the royal favour.[2] The particular errors which are condoned by this letter of approbation and exoneration were the incarceration of certain Dutch traders, and an order issued by himself isolating the sailors and passengers of a Dundee vessel infected with the plague, and prohibiting all intercourse with them or their ship, under pain of death. These acts were declared a usurpation of the royal authority, but were condoned and remitted because of the earl's services.[3]

In August 1627 the Earl of Melrose was specially requested to give his opinion and aid as to levying forces in Scotland, to be commanded by the Earls of Morton and Buccleuch, in the expedition undertaken by the Duke of Buckingham against France. The earl not only gave assistance as required in levying the necessary troops, but he sent one of his own sons in command of a company. For this service he received special thanks from the king in January 1629.[4] In the same month of August, 1627, the earl received royal letters-patent changing the name of his title from Melrose to Haddington. It is usually said that he obtained this patent because he accounted it more worthy to take his designation from a county than an abbey, and one sentence in the royal letters bears out this view. The patent refers to the earl's services to the late king, for which he obtained the dignity of earl, and states that for his continued fidelity, and other causes, his Majesty has determined to honour him with a more worthy title than that of Earl of Melrose; that he therefore suppresses the title of Melrose, and promotes the earl and his heirs to the style and title of Earl of Haddington, granting the precedency of the earlier dignity of Melrose.[1] The title of Haddington, with the rank of viscount, had been held by John Ramsay, a courtier of James the Sixth, but he was recently deceased.

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[1] 3d March 1627. Register of Royal Letters, vol. i. p. 141.

[2] *Ibid.* pp. 144, 149, 151.

[3] Original Letter of Approbation, etc., vol. ii. of this work, pp. 295, 296.

[4] Register of Royal Letters, vol. i. pp. 193, 330.

This grant was followed almost immediately on the earl's part by the renunciation of his whole superiorities already referred to, and a month later he received a recognition of the fact by his appointment to the office of lord privy seal, with precedency next to the lord treasurer.[2] The commission is dated in October 1627, and in the letter which accompanied it the king expressly commends his good endeavours in bringing to good effect some special points for his service in the commission for surrenders, being therein "not onlie a cheef instrument and furtherer, but a leading example for others not soe deiplie interested" as himself. His Majesty takes such service very kindly at his hands, and in recognition of that and others, confers upon him the office in question. The king concludes by saying that he had given orders for the framing of a legal submission by all parties, as to which he requests the earl's opinion.[3]

Consequent on his appointment as lord privy seal, the Earl of Haddington appeared before the Privy Council to hand over the insignia of his former office of secretary, and receive those of his new place. He first exonerated himself of possession of the warrants of the signet, which his deputy bound himself to deliver to Sir Alexander Acheson of Clancairne, who was to fill the post of under-secretary for Scotland. Then the earl produced before the Council his Majesty's great signet, and the small one used for closing letters to the king, both being of gold, with three other signets, two of the session and one of the Privy Council, all which had been kept by him or his subordinates, and were now handed over to Sir Alexander Acheson. This done, the patent of the earl's appointment as lord privy seal was produced by the chancellor, read, and accepted by the Council, who ordained the earl to take his new place and precedence accordingly, delivering the patent to him in due form. Sir Thomas Hope of Craighall, the king's advocate, who had charge of the privy seal since the decease of the last keeper, produced it, and it was formally delivered to the earl, the advocate and his deputy, William Haig, being duly exonered.[4] The delivery of the signet warrants occupied some time, as it was not until several weeks later that Sir Alexander Acheson gave a formal acknowledgment of their receipt.[5]

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[1] Original patent, 17th August 1627, vol. ii. of this work, p. 296.

[2] Original grant, 18th October 1627, *ibid.* p. 297.

[3] Register of Royal Letters, p. 222; cf. also p. 225.

[4] Acts of the Privy Council, 1624-1628, fols. 253-255.

[5] Original receipt, 29th December 1627, vol. ii. of this work, p. 297.

In June 1628, the Earl of Haddington was specially desired to further a scheme for re-establishing circuit-courts of justiciary, and a few days later the king announced his intention of visiting his native kingdom shortly. The letter intimating this acknowledges the frequent recommendations which the earl had made as to the necessity of a parliament, and urges him to use all efforts for furthering that and the king's coronation.[1] The king's visit, however, did not take place until the year 1633. A Convention of Estates was held in July 1630, and the chief references to the Earl of Haddington in the interval are found in letters to him from the archbishop of St. Andrews, and in letters from the earl to William, Earl of Menteith. Those of the archbishop relate chiefly to local ecclesiastical matters, particularly the presentation of a minister to the parish church of Haddington, while those by Lord Haddington to the Earl of Menteith, who was president of the Privy Council, and was in London in March and April 1629, were reports of what was being done in Scotland.[2] Only one subject need be referred to as of any personal interest. In November 1628, the king had granted to Sir Alexander Strachan of Thornton a commission to search for and receive those Crown rents and casualties due to his Majesty or his predecessors, but of which payment had been omitted.[3] This commission met with much opposition from the officers of the Crown, so much so that the commissioners of exchequer refused to pass the signatures. In one of his letters Lord Haddington refers to this and similar attempts to force money, which, he says, do affright our people, and he urges that his Majesty may be informed, in the hope of so disposing affairs, that "when God sall make ws happie by his wished presence heir, the people may be prepared to giue him that large supplie which his weghtie affaires require, and he grant to them that gracious pardon which is vsuall at the coronation of blessed kings." As for himself, Lord Haddington states, "I am frie of privat interest, and sall humblie vndergoe whatever his Maiestie . . . sall be pleased to prescriue."[4]

In the following year the Earl of Haddington was appointed one of a commission for taking proceedings against those who concealed the state of their incomes to avoid taxation.[5] He was also a member of the Convention of Estates which met at Edinburgh on 28th July 1630, preparatory to which the king wrote special letters desiring him to further the matters that were to be proposed.[6] These were a general fishery treaty with England, the ratification of the decrees as to the tithes, and the granting of a special taxation of thirty shillings on the pound land payable at four terms. Of this Convention a contemporary writes that the great matters debated in it were only some Court devices to try how the country and its commissioners would relish what was afterwards enacted in 1633; that though his Majesty's necessities were pleaded for the taxation, it never supplied them one groat, and did no good save to stop the mouths of some penurious noblemen and courtiers, and procure friends to advance the designs of the Court in the ensuing parliament.[1]

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[1] Register of Royal Letters, pp. 285, 292.

[2] Vol. ii. of this work, pp. 158-168.

[3] Historical MSS. Commission, App., 9th Report, p. 252.

[4] Vol. ii. of this work, p. 165.

[5] Register of Royal Letters, p. 445 ; cf. p. 494.

[6] *Ibid.* pp. 456, 465.

But although he was thus still consulted about state affairs, a letter written by the earl shortly after this date to his friend John Murray, first Earl of Annandale, shows that he considered himself greatly laid aside from business, both by advancing years and political changes. Much of the letter is devoted to business, but the earl thus refers to himself:—

> "Your lordship's question with Johnston, and that for the lairdner martis are session actions in which I ame altogether vselesse, because the half of the lordis with whom I have scarce familiar acquentance, much lesse any credit, are placed there since I was thoght fit to be displaced, which some hes contriued to be a disgrace to me, but I take it for a singular fauour to me from God and my gracious maister wherby I ame releeued from that toyle which my age and decayed bodie could not haue sustained without discouerie of the defects incident to decaying men. And whereas some of my ancient colleagues professe trulie wounted kindnesse, yet most of them being ordinar lords must spend the whole forenone in session, where I haue no more accesse nor your lordship hes in the bed-chamber. And the extraordinar lords, who in the afternoone come all the dayes of the weeke to Halyrudhous to our meetings of Counsell, commission for tythes and exchecker, they are so taken vp before and after our meetings with solistations for session maters, submissions, consultations with their powerfull friends and other empeshments, which brings perpetuall tourmoiles to men in such place and credit, that I can hardlye find a moments laiser to speake with any of them withowt interrupting their better businesse, vnless I would in the mornings and evenings clime vp and creep down their staires, which, before God, I ame not able to do, either in my owne businesse or my friends."

In the same letter the Earl of Haddington pays a very frank and pleasing testimony to the merits of his legal brother, Sir Thomas Hope, then lord advocate, which may also be quoted. Referring to certain legal questions between the Earl of Annandale and another, Lord Haddington writes:—

> "Your lordship may be assured that my lord aduocat will giue him no aduantage against yow nor to any other, so far as his great sufficiencie can resist it, and that in your businesse with Sir Richard Grahame he will giue that aduice which agries with the dutie of a worthie man who respects both parties for allowable considerations. For as he will euer acknowledge what he owes yow for the help he had from yow and your friends to promoue him and

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[1] Balfour's Annals, vol. ii. p. 180.

establish him in his place, so owt of the necessitie of the time that forces men to provide meanes to maintaine them against the envie and calumnies that puts all men to their defenses he must gain the favour and protection of such as are powerfull to support. But I sall neuer beleeue that any man sall be able to moue him to breake any point of dutie to your lordship.

Your lordship and I haue long trusted him according to the loue and kindnesse we found in him, and striue to deserue it. His employments for his Maiesties seruice, wherby he procures to himself much dislike, which might breed him vexation if he were not assisted by friends of prime credit, compels him to get and keepe their fauour, so as he must be excused to vse the meanes. But I find him so faithfull, and ame assured that he will be so to yow, and considering that he knowes more of your estate in this countrie nor yourself does, and that ye are not able so long as ye leeue to find any that can learne (teach) so much, or adwyse your affaires so well, I entreat your lordship to cherish his friendship, and altho' in some particular he giue yow not satisfaction to your full contentment, yet it will be supplied by many better offices nor the question for your pasturage with Sir Richard, which concernes the kingdome as well as yow. Of this I sall speake with my lord aduocat and my brother, and let yow know what I learne from them."[1]

In May 1633, the Earl of Haddington was, by a special missive from the king to the lord chancellor, appointed one of a commission to take the depositions of witnesses as to certain charges against William Graham, Earl of Menteith, who had recently been created Earl of Strathern, and was afterwards made Earl of Airth, of uttering treasonable speeches against the king. The commission met and duly examined the witnesses, and Haddington joined in reporting the result to his Majesty, but he does not appear to have been concerned in the further proceedings against his unfortunate colleague.[2]

When King Charles received this report he was preparing for his visit to Scotland, which soon after took place. From the accounts given by Sir James Balfour of the proceedings and pageants on the occasion, we learn that the Earl of Haddington as an officer of state took his share in the king's reception, riding in the various processions. He was present at the imposing ceremony of the king's coronation at Holyrood, on 18th June 1633, though no special function was assigned to him, and he did homage in his place among the other earls. On the following day the parliament was opened by the king in person, and Haddington took part in its proceedings. What share he had in promoting the measures which were passed, and which proved so obnoxious to the people, cannot be clearly ascertained, but he was appointed by the king himself one of the lords of articles who constituted the business committee of parliament. The acts which caused most dissatisfaction were those imposing the income-tax in the same manner as in 1621, with which, as we have seen, Haddington had so much to do, and acts ratifying the king's prerogative, and affecting religion, which were resented as likely to affect the liberties of the church. Considerable opposition was made in parliament to the ecclesiastical acts, and it was even asserted that the votes were not properly recorded. A contemporary speaks very strongly on the subject of this parliament, and says it was "led one by the episcopall and courte faction, which therafter proued to be that stone that afterwardes crusht them in pieces, and the fewell of that flame which sett all Brittane a-fyre not longe therafter."[1]

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[1] Original letter, 8th January 1631, among Laing MSS., University of Edinburgh.

[2] The Red Book of Menteith, by Sir William Fraser, K.C.B., vol. i. pp. 367, 371-374.

The Earl of Haddington was also a member of various committees or commissions for special purposes, as auditing the public accounts, dealing with abuses of the coinage, and similar matters.[2] One such commission connects itself with an incident which throws a curious light on the state of the royal exchequer in Scotland. Sir John Achmoutie, who was master of the wardrobe for some years, had been required to furnish the silver plate, napery, and other household necessaries in his charge, and the Earl of Haddington was appointed with others to supervise the articles in Sir John's charge, check any loss or damage, and return them to him on a new inventory and commission. This was done, but a year later Sir John Achmoutie informed the king that he and the other servants of the wardrobe had not received their salaries for nearly four years past, and that the latter had in consequence threatened to sell or pledge some of the royal stuff. The king intimated this menace to the Earl of Traquair, then treasurer, and that Sir John Achmoutie, being responsible for his charge, was "forced to take the keyes of the wardrob into his own custodie, not admitting them (the servants) accesse therevnto, by doing whereof our furniture of hangings, cloathes of state, beds, and such other things, are in danger of spoiling by want of ayreing, and that due attendance which is necessarie and hath been used heretofore." The king therefore expressly desires his treasurer to satisfy the malcontents.[3]

For some time before his death the Earl of Haddington had felt the pressure of advancing years, and had made preparations for his probable decease. In July 1629 he made his will, appointing his oldest son, Thomas, Lord Binning, his only executor. But his chief anxiety appears to have been about his silver plate, of which he possessed a large amount. It was not dealt with in his will, but was the subject of more than one special agreement between him and his son. In the first of these, in 1624, the earl expresses his resolution that his "cheiff siluer-work, tapestrie, hingingis," etc., should remain with his family and be enjoyed by his heirs-male and successors, and that they should not be disposed of by any of the family, either to the children, wives, or relicts of any of his successors. He therefore dispones all such articles to his son under condition that they shall be kept as heirlooms, and made forthcoming to the respective heirs-male in possession. The amount of the silver-work enumerated in the first contract is estimated to weigh 254 pounds 9 ounces 14 "drops," or at 16 pounds to the stone = 15 stone 14 pounds 9 ounces 14 "drops" in weight,[1] while it was valued at the large sum of £20,000 Scots.

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[1] Balfour's Annals, vol. ii. pp. 196-200; iv. pp. 355-403. Acts of the Parliaments of Scotland, vol. v. pp. 13-16, 20, 21.

[2] Register of Royal Letters, vol. ii. pp. 719, 735, 857, 858.

[3] *Ibid.* pp. 765, 794; Original letter to Earl of Traquair, 10th July 1635, at Traquair House, Historical MSS. Commission, Ninth Report, App. p. 246.

In the second contract on the subject, eleven years later, the earl made the same conditions on the ground that a great part of the silver-work and tapestry had been bought and brought home by Lord Binning himself, for which reason the earl sells and dispones to his son the whole silver and tapestry enumerated in the earlier document with considerable additions, and the whole household furniture and other articles in the dwelling-house at Tynninghame. In the first contract it was provided that the earl might redeem the whole articles on payment of a rose-noble, but the second contract only provided that the earl should have the use of the articles when required. An inventory of the furniture at Tynninghame was taken, and a few days later, on 18th June 1635, Lord Binning took formal possession of the whole.[2]

In March 1637 the Earl of Haddington lost his third wife, Lady Julian Ker, Countess of Haddington, who had been his companion for nearly twenty-four years, and this event probably hastened his own decease, as he died about two months later, on 29th May 1637, aged 74. The popular traditions as to the earl's great wealth are justified by the amount of the inventory of his goods and gear given up by his executor. The sums of money, household goods, and grain, in the earl's own possession at his death amounted to £5474, 4s. 5d. Scots, and the whole amount of his personal estate, after deduction of debts, was estimated at £43,052, 12s. 2d. Scots, a very large sum for the time. Although his will was made several years before his death, the earl does not appear to have altered any of its provisions. No legacies are left to any of his children, who were provided for during his lifetime. He directs that his body should receive "Cristiane buriall in decent and modest maner without pompe or superfluitie, and in place of grit chairges bestowed by many at suche occasiounes vpoune vnnecessar shewes," he desires that the poor of the parish where he shall die or be buried shall receive "a bountifull distributioun" according to his executor's conscience and discretion. The executor was also to give "sume ressonabill recompence" to such of the earl's old servants "as he knowis to haue beine faithfull to me, and stand in need thairof, according to his discretioune." These directions sum up the whole contents of the will.[1]

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[1] Original contract, 24th July 1624, in Haddington Charter-chest. The silver is estimated by old Scots troy weight—the amount in modern avoirdupois weight is nearly twenty stones.

[2] Second contract, 9th June, inventory, 10th June, and instrument of possession, 18th June 1635, in Haddington Charter-chest. Cf. vol. ii. of this work, pp. 294, 297-304.

The character and abilities of the first Earl of Haddington were very marked. That his talents were of a high order is not disputed even by those who do not profess to admire him. His education in Paris, and his wide classical knowledge aided his original genius, while to these he added indefatigable industry. Stories are told of his behaviour on the bench, which, even if somewhat embellished, at least prove that legal traditions recall him as a clever lawyer, possessed of a bright sharp eye, keen to detect falsehood, and quick in the perception of character. Mr. Forbes, in the preface to his Collection of Decisions, relates how that in the improbation of a writ which the lords were convinced was forged, but were puzzled for want of clear proof, Lord Binning, taking up the writ and holding it betwixt him and the light, discovered the forgery by the water-mark of the paper, the first paper of such a manufacture being posterior to the alleged date of the writ. He also relates how at another time a Highland witness in a cause, who had been hard put to it by his lordship's interrogatories, meeting another Highlander who came to depone in favour of the same party, advised him to beware of the man with the partridge eye.[2] As to the earl's statesmanship, there can be no doubt that he was the most active and most prominent member of the Scottish Cabinet in the reign of King James the Sixth. He carried out the policy of that monarch with unflinching determination, while, as already hinted, whatever good was effected by the royal measures for social legislation must be largely ascribed to Haddington's influence. His support of the king's ecclesiastical policy may be condemned, but it is impossible to deny the vigour and ability with which it was carried out. Even King James, impatient as he was of the least opposition, when the earl adopted a tone of remonstrance, as he did in not a few of his own letters, besides inspiring those of the Privy Council, yielded the point and took a different course, thus proving his confidence in the ability of his adviser.

The earl's capacities for work were remarkable. His onerous and daily duties as lord advocate, privy councillor, and lord of session, besides, at a later date, his combining the offices of president of session and secretary of state for Scotland, did not prevent him carrying on a large and voluminous correspondence, much of it with his own hand, while historians are indebted to him for copious notes and copies of acts of Council, charters, and legal decisions. His "Decisions" are well known, and are contained in three MS. volumes, reporting upwards of 3000 cases, which were decided between the years 1592 and 1624. His Collection of Charters is comprehended in two MS. volumes, the first containing copies, wholly or partly in his own hand, of numerous charters from the register of the great seal, while the second contains full notes by himself of writs from various monastic cartularies. This collection has been invaluable to historians, by supplying copies or full notes of writs and other important documents from registers which have since been lost. We are also indebted to the Earl of Haddington for transcripts of part of the Exchequer Rolls of Scotland which have preserved to us the earliest known of these important documents. In regard to these collections, which are all preserved in the Library of the Faculty of Advocates, Edinburgh, a recent writer remarks: "According to our modern notions of intellectual labour, the various notes and observations collected by the Earl of Haddington in the course of his studies, and the marginal adversaria yet seen upon his books, would rather appear the relics of a life wholly devoted to literary retirement, than the fruits of those scattered hours which must have been stolen from the duties of the bench, the severer labours of the council board, or the pleasures and intrigues of a court."[1]

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[1] Confirmed testament of first Earl of Haddington, 2d July 1629, vol. ii. of this work, pp. 304-312.

[2] Preface to Forbes' Decisions, p. 27.

As to the character of this famous man, writers and historians differ, some speaking of him in terms of eulogy, while others refer to him as of a "harsh and despotic nature," and as "noted for the violence with which he upheld the royal authority against clerical independence." There can be no doubt that in his public capacities as lord advocate and secretary for state he was peculiarly obnoxious to the Presbyterians. Perhaps the best estimate may be gathered from his letters, especially those to King James. To these it may be objected that they are too profusely obsequious. That, however, was a characteristic of the time, and Haddington's letters were by no means so fulsome as those of contemporary Scotch and English statesmen, or even those of some of the Scottish bishops. His intimate friend, Chancellor Seton, assured King James that all "wisdome, all doctrine, all courtessie, all godlines, policie, and civilitie schynes in the (king's) booke laitlie come to licht."[2] The king's ideas of the "divinity that doth hedge a king" were strengthened and exaggerated by the flattery of the English Court. It was the current style, and there is reason for believing that the earl was by no means so obsequious as the wording of some of his letters might imply. More than once, concealed amid phrases expressive of the deepest submission to his Majesty's superior wisdom, there is a strong hint that the policy pursued is not acceptable, and ought to be changed.

The editor of the Records of the Privy Council, remarking on the general submissiveness of the Scottish Council to the royal will, and that they must be held responsible for the government policy in Scotland, adds, "This is true mainly in the sense that they acquiesced in the policy prescribed to them by King James by his missives from

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[1] Life of Sir Thomas Craig, etc., by Patrick Fraser Tytler, 1823, pp. 263, 264.

[2] Memoir of Chancellor Seton, p. 195.

England, and consented to be its instruments. There is reason to believe that some of them did so reluctantly, and that, had they been free to govern Scotland according to their own notions of what was expedient and reasonable, some of the measures most characteristic of the Scottish government of the years in question (1604-1607) would never have been heard of, and the course of events in Scotland through those years might have been considerably different from what it actually was." This remark applies to later years also, and the opinion expressed may be adopted as regards the Earl of Haddington, as there can be no doubt that though he apparently lent himself to the king's policy with characteristic energy, he was yet the means of influencing and restraining it. The letter opposing further trial of the imprisoned ministers in 1606, and the policy of inaction by which the king's threats against Bailie Rigg and other recusants in 1624 were rendered inoperative, may be quoted as instances in which the king's policy, while obsequiously belauded, was quietly thwarted.

The author of "The Lord Advocates of Scotland," in his interesting memoir of Lord Advocate Hamilton, states that he embarked on a career of political ambition which has never been equalled at the bar of Scotland, and that he soon came to take a leading part in state affairs. During the half century which elapsed between his call to the bar in 1587 and his death in 1637 Lord Haddington held the offices of a lord of the court of session, a lord of exchequer, lord advocate, lord clerk register, lord secretary of state, and prime minister for Scotland, lord president of the court of session, royal commissioner to the General Assembly of the Church of Scotland, and lord privy seal. To these might have been added the office of lord chancellor, but it was not accepted. Any one of the important offices of lord of session, lord advocate, and lord secretary were usually considered to be sufficient for the powers of ordinary men. But Lord Haddington was no ordinary man. His great abilities and untiring industry were quite exceptional. He held at the same time the two offices of secretary of state or prime minister for Scotland and president of the court of session. These, from their dissimilarity, would suggest incompatibility in the due performance of the duties. But half a century of able and patriotic service in so many varied offices testifies to the unrivalled power and attainments of the holder as an accomplished lawyer and statesman.[1]

Such a record of a laborious life in the service of his country has few parallels in the annals of Scotland. The familiar name of "Tam o' the Cowgate," conferred by his sovereign, is always readily recognised as referring to one of the most distinguished Scotchmen of the seventeenth century. But, as we have seen, his services were rewarded by his fastidious sovereign with more dignified honours than this well-known cognomen.

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[1] Mr. Omond's Lord Advocates, vol. i. pp. 69, 87.

CHAPTER SEVENTEENTH.

HIS MARRIAGES AND CHILDREN.

THOMAS, first Earl of Haddington, was thrice married. His first wife, whom he married apparently in 1588, was Margaret Borthwick, a daughter of James Borthwick of Newbyres. By her he had issue two daughters. She died in December 1596, and he married again before August 1597, Margaret, daughter of James Foulis of Colinton. He and his second wife were then infeft in the lands of Balnabein and Drumcairn.[1] They had issue three sons and four daughters.

Margaret Foulis, Lady Hamilton, died in May 1609, and Sir Thomas remained a widower until September 1613, when he married, as his third wife, Dame Julian Ker, widow of Sir Patrick Hume of Polwarth, and daughter of Sir Thomas Ker of Fernihirst. She was also sister of one of King James's favourites, Robert Ker, created successively Viscount Rochester and Earl of Somerset. Several of the letters of Julian Ker to her husband, which are written in a racy and affectionate style, have been preserved.[2] She became successively Lady Binning and Countess of Melrose and of Haddington, and predeceased her husband only by a few weeks. She died in the beginning of March 1637, and was buried on the 30th of that month at Holyrood.[3] She appears to have run deeply in debt shortly before her death, and was actually put to the horn, but her effects, assumed to be forfeited to the Crown, were bestowed upon her husband, and by him assigned after her death to her stepson, Thomas, Lord Binning, afterwards second Earl of Haddington.[4] By Julian, Countess of Haddington, the earl had issue one son.

By his three wives the earl had ten children, four sons, and six daughters.

1. Thomas, born, of the second marriage, on 25th May 1600, who succeeded his father as second Earl of Haddington. Of him a memoir follows.
2. Sir James Hamilton, born 29th May 1603. He was in 1618 provided by his father to the lands of Priestfield and Common-mire, and was duly infeft.[5] In the following year he received a royal grant of the spiritualities of the priory of Haddington, and styled himself commendator of that priory in a resignation in favour of his father of the church of Athelstaneford.[6] He appears, however, to have entered into a contract as to the teinds and

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[1] Original sasine in Prestonfield Charter-chest.

[2] Vol. ii. of this work, pp. 122-126, 157.

[3] Balfour's Annals, vol. ii. p. 251.

[4] Assignation, 26th April 1637, in Haddington Charter-chest.

[5] Charter, 25th October 1618, and sasine, 1st November 1618, in Prestonfield Charter-chest.

[6] Extract in Haddington Charter-chest. 30th July 1619.

churches of the priory with John Maitland, Viscount of Lauderdale, who had a grant of the whole ratified by parliament in 1621.[1] In virtue of that grant and the contract in question, John, Master of Thirlestane, with consent of his father, Viscount Lauderdale, disponed the teinds of the Byres to the Earl of Melrose in 1622.[2] In September 1623, before which date he had received the honour of knighthood, Sir James Hamilton entered into a contract of marriage with Anna Hepburn, eldest daughter of Sir Patrick Hepburn of Waughton, in the county of Haddington, but their union did not take place for a few months afterwards.[3]

Sir James Hamilton appears to have commanded a company in connection with the Duke of Buckingham's expedition to Rochelle, probably under the leadership of the Earl of Morton. King Charles the First, in January 1629, wrote to his father in praise of his conduct.[4] In the following year he entered the service of Gustavus Adolphus, King of Sweden. Previous to this, he, in June 1629, and probably in view of taking foreign service, disponed his lands of Priestfield and others, to his oldest son, Thomas, whom failing to his second son, James (both then quite young), and their respective heirs.[5] Sir James, however, had returned from Sweden before the middle of 1631, as in May and June of that year he had a dispute with John Lawson of Humbie as to the erection of an aisle or addition to the church of Duddingston, which Hamilton proposed to build for the benefit of himself and his tenants of Priestfield, these lands having been disjoined from the parish of St. Cuthbert's, and annexed to the parish of Duddingston. The matter came before the presbytery of Edinburgh, and was decided against Lawson, who was ordered to remove a desk belonging to him, which interfered with the new erection.[6] Sir James was also appointed a gentleman of the bedchamber to King Charles the First.

In 1641, during the residence of King Charles in Edinburgh, Sir James Hamilton narrowly escaped being implicated in the alleged plot against the Marquis of Hamilton. Shortly before the discovery of it he was sitting in company with the Earl of Crawford and Lord Ker, eldest son of the Earl of Roxburgh, when, in conversation, Lord Ker alleged that the Marquis of Hamilton was the instrument of all the troubles, and desired Sir James to report his words to the Marquis himself. This Sir James refused to do, but Lord Crawford offered himself as the messenger. The immediate result was that Ker was arrested, but liberated again, while, a few days later, Crawford and several others were seized and accused of the plot.[1] In 1645 Sir James Hamilton was at Oxford for a short time, but little is known of his history during the Civil War. In 1647 he mortgaged or sold his lands of Priestfield to his uncle, Sir Alexander Hamilton, general of artillery, as narrated on a former page, and he himself appears to have gone abroad.[2] He was, however, on 15th October 1647, retoured heir to his nephew, Thomas Hamilton of Skirling, as noted below.

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[1] Acts of the Parliaments of Scotland, vol. iv. pp. 645-647.

[2] Disposition, 2d August 1622, in Haddingtoo Charter-chest.

[3] Original writs in Prestonfield Charter-chest.

[4] Register of Royal Letters, 1885, p. 330.

[5] Original writs in Prestonfield Charter-chest.

[6] *Ibid.*

Sir James Hamilton was apparently still alive in July 1663, but he died between that date and January 1666, when his son, Sir James, was served heir to him in the office of keeper of the park of Holyroodhouse.[3] By his wife, Anna Hepburn, he had four sons and two daughters—

1. Thomas, born 27th March 1627, died in August 1636.
2. James, born in 1628, who succeeded his father. In 1663, he is described as Sir James Hamilton, younger, of Priestfield, and in 1666 he was retoured heir to his father, as already stated. He was still alive in 1691, when the keepership of Holyrood Park, of which he had been deprived for refusing the Test, was restored to him and Thomas, sixth Earl of Haddington, Sir James having previously, in lieu of a pension, disponed this heritable office to Charles, fifth earl.
3. Patrick, born 14th November 1629.
4. Alexander, born 10th July 1631.

1. Margaret, born 31st March 1626.
2. Anna (twin with Alexander), born 10th July 1631.[4]

3. Sir John Hamilton of Trabroun, third son of the earl and Margaret Foulis. He was born 3d November 1605. On 4th August 1621, the parliament, in consideration of his father's services, dissolved the lands of the priory of Coldstream from the Crown, and erected them into a temporal barony in favour of John Hamilton, who had previously held the rank of prior of Coldstream.[5] Three days later he married Catherine, only child of Alexander Peebles of Middleton and Skirling. At a later date he became proprietor of

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[1] Spalding's Memorialls, etc., vol. ii. p. 72.

[2] Original charters, etc., in Prestonfield Charter-chest; Acts of the Parliaments of Scotland, vol. vi. part I. p. 820.

[3] Acts of the Parliaments of Scotland, vol. vii. pp. 461, 462; Edinburgh Retours, No. 1137.

[4] Duddingston Register.

[5] Acts of the Parliaments of Scotland, vol. iv. pp. 647-649.

the lands of Trabroun, and received the honour of knighthood. He predeceased his father. He had two children, Thomas, born 26th October 1623; and Jean, born 11th November 1624. They apparently both died young, as on 15th October 1647, Sir James Hamilton of Priestfield, uncle of Thomas, was served heir to him in the lands of Skirling and others in the county of Peebles, thus implying that the sister had also deceased.[1]

4. Robert Hamilton, son of the earl by Julian, Lady Haddington, born 14th May 1615. On 30th October 1622, he was provided by his father to the lands of Wester Binny or Binning, in the county of Linlithgow.[2] He died unmarried, being killed along with his eldest brother and others at Dunglas Castle on 30th August 1640. His brother, Sir James Hamilton of Priestfield, was retoured heir-general to him on 17th November 1641, while on 4th March 1647 his nephew, John, fourth Earl of Haddington, was served as his heir of provision in his lands of Binning.[3]

The daughters of the first Earl of Haddington were—

1. Lady Christian, elder daughter of the first marriage. She married first, Robert, ninth Lord Lindsay of the Byres, who died 9th July 1616, and had issue. Her second husband was Robert, sixth Lord Boyd, who died in 1628, by whom also she had issue.
2. Lady Isabel, second daughter of the first marriage, born 18th February 1596. She married James Ogilvie, first Earl of Airlie, and had issue.
3. Lady Margaret, eldest daughter of the second marriage, born 5th April 1598. She married, on 28th September 1613, David Lord Carnegie, eldest son of David, first Earl of Southesk. He died on 25th October 1633, in the lifetime of his father, leaving issue two daughters. Lady Carnegie married, secondly, on 31st January 1647, James Johnstone, first Earl of Hartfell, but by him she had no issue.[4]
4. Helen, born 16th May 1599. Died young.
5. Lady Jean, third daughter by the second marriage, born 5th February 1607. When little more than fourteen years of age she was married to John, sixth Earl of Cassillis, also a minor, the marriage-contract being signed at Edinburgh on 21st December 1621, and Whitehall, 7th January 1622. Lord Cassillis bound himself to secure his bride in a liferent from lands of the yearly value of 70 chalders of victual, while she received from her father a dowry

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[1] Retours for Peebles, No. 123.

[2] Original disposition in Haddington Charter-chest.

[3] Inquisitiones Generales, No. 2609.

[4] History of the Carnegies, Earls of Southesk, vol. i. pp. 110-114.

of 40,000 merks Scots. Lady Jean Hamilton predeceased her husband, dying on or about 15th December 1642, and her loss was deeply mourned by him. Letters by Lord Cassillis to the Earl of Eglinton and others demonstrate this fact, and disprove the popular story, represented by the ballad of "Johnnie Faa," which describes Lady Jean as eloping with a gipsy lover, who was captured and hanged, while she was imprisoned for life.[1]

6. Lady Anne, born 24th April 1608. She was named after Her Majesty Queen Anne. Lady Anne died unmarried.[2]

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[1] See refutation of this story in Memorials of the Montgomeries, Earls of Eglinton, by Sir William Fraser, K.C.B., vol. i. preface, pp. ix-xii; contemporary copy of marriage contract in Haddington Charter-chest.

[2] The first Earl of Haddington had another son, Patrick Hamilton. He was educated, or at least resided for some time in France, as he is referred to in a letter by his brother, Lord Binning, as having incurred debt there, towards which the writer generously bestows 1000 merks. In 1640, the two brothers met their death together at Dunglas. [Vol. ii. of this work, p. 170; Acts of the Parliaments of Scotland, vol. v. p. 662; Balfour's Annals, vol. ii. p. 396. Lamont, in his Diary, under the date 11th August 1654, refers to a Mr. James Hamilton, natural son of the Earl of Haddington, but whether he was the son of the first earl or the second earl does not appear.]

Thomas Hamilton

Binning with my hand

Melros with my hand

Hadinton

juliane ker lady binning

XI.—THOMAS, SECOND EARL OF HADDINGTON.

LADY CATHARINE ERSKINE (MAR), HIS FIRST WIFE.

LADY JEAN GORDON (HUNTLY), HIS SECOND WIFE.

1637—1640.

THOMAS, second Earl of Haddington, was born on 25th May 1600, being the eldest son of the marriage of the first Earl of Haddington with Margaret Foulis of Colinton, his second wife. Nothing is known of his early years before 1615. Under the designation of Thomas, master of Binning, he then obtained a licence from King James the Sixth to go abroad for a period of several years, and to reside in such parts "of Chrystendome as he shall thinke moste fitte for his instruction in literature, languages, and customes of diuers nations." This suggests that the master had already received a liberal, and no doubt, partly at least, a university education at home. The licence was dated 23d July, and was followed by another dated 2d August following, which included the companions and servants of the master of Binning as well as himself.[1]

How long the master remained abroad is not apparent, but he had returned to Scotland before 25th July 1621, on which day he figured in the pageant of the riding in State of the famous parliament of that year. He rode immediately in front of the grand commissioner, the second Marquis of Hamilton, bearing the royal commission in "a velvet pocket."[2] He was now known by the courtesy title of Lord Binning, through his father's creation as Earl of Melrose. On 21st December following he was present and attested the marriage contract at Edinburgh of his sister Jean to John, sixth Earl of Cassilis.[3] In February of the following year, 1622, Lord Binning's marriage to Lady Catharine Erskine, fourth daughter of John, Earl of Mar, the lord high treasurer of Scotland, was arranged at Holyrood House. The tocher of the lady was 20,000 merks, or upwards of £1000 sterling, and she was infeft in the lands of Barnbougall and others in the barony of Dalmeny, with the castle, but as the Earl of Melrose had reserved his liferent of these lands, she obtained temporarily in lieu thereof the lands of Samuelston in Midlothian.[4] The marriage appears to have taken place shortly afterwards. It is told of King James the Sixth, that when this union was first proposed, he exclaimed, "The Lord haud a grup o' me! If Tam o' the

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[1] Vol. ii. of this work, pp. 81, 82.

[2] Calderwood's History, vol. vii. p. 488.

[3] Vol. ii. of this work, pp. 292, 293.

[4] Extract Contract in Haddington Charter-chest.

Cowgate's son marry Jock o' Sklates' [the king's sobriquet for the Earl of Mar] dochter, what's to come o' me!" thinking, no doubt, that the alliance of two such powerful statesmen would be detrimental to his own authority.

From this time Lord Binning shared his father's confidence and responsibility in reference to the now largely extended possessions of the family. He was a party with his father in an agreement with the town of Haddington, whereby the commonty of Gladsmuir, to which the earl and the burgh both had right, was amicably divided between them.[1] To him also, in 1624, the Earl of Melrose disponed his whole extensive and valuable collection of silver plate and tapestry work, on the express condition that it should descend as an heirloom to the heirs-male of the family, being Earls of Melrose, and Lords Binning, and no others, and Lord Binning and his heirs were obliged to make the plate, etc., which was enumerated in detail, forthcoming to the earl's successors under a penalty of £20,000 Scots. The Earl of Melrose retained the right of redemption of this disposition on the payment of a rose noble to his son.[2] Lord Binning also carried on some negotiations with William, Earl of Morton, for the purchase, from the latter, of the baronies of Newlands and Linton, and the superiority of Kilbucho, in Peeblesshire, about which he wrote several letters to his father, but the Earl of Melrose does not seem to have made the purchase of these.[3] He was also in communication with the Earl of Lothian about the sale of Jedburgh Abbey.[4]

Lord Binning also took an interest in the public transactions of his time. Along with his father he went to London on the death of King James the Sixth, in 1625, and attended the state funeral in Westminster Abbey on 7th May.[5] At the coronation of King Charles the First at Edinburgh, on 18th June 1633, he was appointed one of the carriers of the pall over the king's head at his entry into the church and during his consecration. The pall was of crimson velvet, laced and fringed with gold, and was borne by elder sons of six earls and a viscount, who again were supported by six lords.[6] Lord Binning also took part in the state entry of King Charles into Edinburgh on the 15th of June. The king was at Dalkeith on the previous day, and was to enter the city by the West Port, and so proceed through the streets to Holyrood Palace. The lords spiritual and temporal were appointed to assemble upon the Long-gate in order to convoy his Majesty through the city. On the king's arrival a dispute arose between the elder sons of the earls and the lords of parliament with reference to precedence in the procession, and so hot waxed the contest that the royal progress was arrested. The disputants were brought before the king, and the matter was debated at great length. In the end the king decided in favour of the elder sons of the earls, among whom was Lord Binning, ordaining that they should take the precedence on all occasions, except in parliaments and general councils.[1] Lord Binning was also appointed a member of the Privy Council during the lifetime of his father on 4th June 1635,[2] and he was also present at their meeting in December 1636, at which the use of the service-book was enjoined.[3] He seems to have frequently journeyed to Court at London, and on one occasion Sir Thomas Hope obtained his services to carry letters to Scottish nobles and others at Court.[4] Another letter indicates that he was also in London about 1630, and it further shows the affection he bore to his brothers, whom he mentions. One of them, Mr. Patrick Hamilton, had contracted some debt in France, the knowledge of which by their father would tend to his prejudice, and to avert this Lord Binning advanced him 1000 merks although there was but slender hope of repayment.[5] This kindly disposition, however, was evidently characteristic of his lordship, and was acknowledged by his friends. His nephew, John, first Earl of Lindsay, refers to it in a letter written about 1633 to Thomas, first Earl of Haddington, his grandfather, and says, "His continual and affectionat care of me and my affaires binds my affections to him neirer though neir aneughe by nattur, then I cane expresse." Lord Binning was at that very time engaged in some special business on Lord Lindsay's behalf, not improbably, as certain references in the letter seem to indicate, his creation as Earl of Lindsay, which took place in that year.[6]

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[1] Ratification by King James the Sixth and the Privy Council, on 10th February 1624, of agreement, which is dated at Edinburgh and Haddington 3d, 5th, and 6th December 1623, vol. ii. of this work, p. 294.

[2] Dated 24th July. *Ibid.* p. 294.

[3] Vol. ii. of this work, pp. 143-145.

[4] Correspondence of the Earls of Ancram and Lothian, vol. i. pp. 90, 91.

[5] Balfour's Annals, vol. ii. p. 118.

[6] *Ibid.* vol. iv. pp. 358, 389; The Melros Papers, vol. ii. p. 589.

In 1635 Lord Binning had the misfortune to lose his first wife. Lady Catharine Erskine died at Edinburgh on 5th February of that year, and was buried at Tynninghame on 4th March following.[7] A few months later his lordship's father, the Earl of Haddington, renewed the disposition of his plate and furniture to the heirs-male of the family, Earls of Haddington and Lords Binning, and placed them by inventory in the hands of his eldest son, an arrangement being made whereby the earl could obtain the use of the plate on a few hours' notice.[8] The earl also made over to Lord Binning, in April 1637, the escheat of the estate of his countess, Julian Ker. She had incurred liabilities which she was unable to discharge, and the gift of her escheat was granted by King Charles to the earl, who at once assigned it to his son.[9]

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[1] Balfour's Annals, vol. iv. pp. 371, 372.

[2] Letter in Melville Charter-chest.

[3] Baillie's Letters and Journals, vol. i. p. 440.

[4] In 1636. Diary of Sir Thomas Hope, p. 36.

[5] Vol. ii. of this work, p. 170.

[6] *Ibid.* p. 171.

[7] Balfour's Annals, vol. ii. p. 222.

[8] Disposition, Inventory, and Notarial Instrument thereon, 9th, 10th, and 18th June 1635, vol. ii. of this work, pp. 297-304.

[9] Assignation, dated 26th April 1637, in Haddington Charter-chest.

On the death of his father, on 29th May 1637, Lord Binning succeeded as second Earl of Haddington, and was served heir to him in his several estates. Just at this juncture the storm was gathering which culminated in the revolution in Scotland known as the second Reformation. The attempt to enforce the service-book on the clergy and people of Scotland raised a tumult of opposition, and the earl had now to face in a more responsible position the effects of that act of the Privy Council, to the issuing of which, as formerly mentioned, he was a party. He was still a member of the Privy Council, and his situation was a difficult and trying one. By great industry, care, and labour, his father had increased the fortunes of the family to a great extent, and an incautious step on his part might now lead to the loss of all. On the other hand, many of the nobles were enlisted on behalf of the Reformation, and among these were some of the earl's nearest and most esteemed friends and relatives, whose efforts were naturally put forth to secure his influence on the popular side. At first, however, he kept by the king and Council, and this course was approved by one of his correspondents at this time, the Countess of Devonshire, whose advice he had requested on the matter. She wrote thus: "I would beeg of you, my lord, to reserve yourself from any declaratione. You had better be suspected of both sids then a party to either. Your cuntry, fortune and frinds ar strict obligations sucth as ar not lightly to be venterd; yet who cane tell of which syde the hazarde lyes, or what heauene has decreede to be the means of security." Her ladyship concludes, "with many earnest wishes that in this extreame difficulty your lordship may be assisted with wisdome from aboue."[1]

But while retaining his place in the Council and appearing on the side of the king, the Earl of Haddington maintained friendly relations with the Covenanters, and earned their respect and gratitude by correcting a misrepresentation of their proceedings made to the king by Sir Robert Spottiswood, president of the court of session. Spottiswood, against the desire even of the Privy Council, went to Court in December 1637, and gave such a narration of the state of matters that "the king was pensive, and did not eat well." The earl was in London at the time, and learning what had taken place, he went to the king and showed him a letter from the Earl of Rothes, his brother-in-law, containing a short narrative of what had transpired, for the absolute truth of which the earl gave his assurance to the king. By this means the mind of Charles was much relieved.[2] A few months later, in March 1638, the Council sent the Earls of Traquair and Haddington to Court with information as to the pitiful state of the country,[1] and about the same time the Covenanters despatched their own "Historical Information" to the king. In subsequent negotiations respecting it they requested the Earl of Haddington to act as an intermediary between them and the other members of Council in negotiation with the king. The great desideratum of the time was a man who could stand between the king and his subjects and suggest measures which should allay the passions of both. But Robert Baillie writes, "Long it was ere a person could be found of parts requisite for such a service. Morton, Roxburgh, let be Haddington or Stirling, were not of sufficient shoulders." On the whole, however, the Covenanters were rather benefited than otherwise by the position taken by the Earl of Haddington and a few others in the Council, as their presence materially aided negotiations by softening asperities on both sides. The earl returned with the rest of the Scottish lords to Edinburgh in the end of May or beginning of June 1638, and partly by his means Edinburgh Castle was kept from being fortified against the Covenanters during their negotiations with the Marquis of Hamilton, the king's commissioner. He, the Earl of Southesk and Lord Lorne, pledged themselves for the commissioner, and agreed that if he broke the condition made on his behalf, they would come in to the popular party and subscribe the covenant. When the Earl of Haddington afterwards informed Hamilton of the treaty they had made on his behalf, he was much offended, but as he would not sacrifice his friends on that account the treaty was abandoned.[2]

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[1] Letters, ten in number, by Christian, Countess of Devonshire, to Thomas, second Earl of Haddington. Miscellany of the Maitland Club, vol. iii. pp. 352-362. She was the daughter of Edward, first Lord Bruce of Kinloss, Master of the Rolls in England under King James the Sixth.

[2] Baillie's Letters and Journals, vol. i. p. 47.

In the latter part of the year 1638 the troubles of the country increased rather than diminished, and Charles was obliged to yield to the demands of his Scottish subjects for a free general assembly and a free parliament. These were promised, and the Earl of Haddington joined in a letter of thanks by the Council on 2d July,[3] but performance was so long delayed that the Covenanters threatened to hold a general assembly without the king's authority. Just then Charles issued instructions that, among other things, the National Covenant of 1580 should be sworn, along with the bond of 1589, hoping thereby to divide the Covenanters. After receiving these, and making them known to the Council, Hamilton reported their satisfaction, and in particular the good example set by the Earl of Haddington. "Particularlie," he writes, "I must craue leive to mention Haddington, who in a most hartie maner, hes offered lyfe, fortoun, and [all] he is abill to make for the accomplishing your endes. If all of them goe thatt reall uay, I ame not out of hoope bot your Majestti will haue so considerabill a partie heire as may make thoes thatt shall proufe still stubborne knoe ther deuties, and your Majestiis goodnes to them." [4]

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[1] Ninth Report of the Historical Manuscripts Commission, Appendix, p. 259.

[2] Baillie's Letters and Journals, vol. i. pp. 64, 74, 80; Rothes' Relation, pp. 92, 99, 102, 122, 126, 140.

[3] Gordon's History of Scots Affairs, vol. i. p. 73.

[4] Letter, Marquis of Hamilton to King Charles the First, dated 17th September 1638, printed in the Hamilton Papers (Camden Society), pp. 24, 25.

In another letter to the king, a month or two later, the Marquis of Hamilton takes some pains to disabuse the royal mind of the harsh thoughts the king had entertained towards the Scottish nobles. He blames the bishops for impolitic action, but waives the task of going over their characters one by one. With reference to the officers of the Crown and the members of the Privy Council, however, he thinks it his duty not to be silent, but of them he says, "I shall write without spleen or favour, as I shall answer to Him at the last day to whom I must give an account, I know not how soon, of all my actions." Of the earl, he writes, "Haddington has too much the humour of these times, but he hath oft sworn to me he will never ask what your quarrel is. Yet few of his friends I fear will go along with him in it in defence of episcopacy." [1]

The earl, accordingly, swore to and subscribed the king's covenant with the rest of the Council on 22d September 1638, when he also, at the same time, with them passed an act, offering their lives and fortunes in His Majesty's defence and the maintenance of religion, a copy of which was transmitted to the king, along with a letter to the same effect, signed by the lords of Council. Two days later commissions were issued to these lords and other Crown officers, including the covenanting lords themselves, to require the oaths and subscriptions of all the lieges throughout the country. To the Earl of Haddington were assigned the counties of East Lothian, Selkirk, and Berwick, Traquair and others connected with these districts being associated with him.[2] Their efforts were not crowned with much success, as letters from the earl and Traquair show. The ministers and laity, they say, expressed no dissatisfaction with the porposal, but absolutely refused to sign until after the Assembly. The gentry at first professed ignorance of the subject, but on being instructed expressed themselves favourably, and unwilling to controvert his Majesty, though the writers doubted if any of them would accede before the time stated. The earl was about to try Roxburghshire and the Merse, but did not think any one of quality would sign before the Assembly.[3]

When the General Assembly met at Glasgow on 21st November 1638, the Earl of Haddington attended the royal commissioner along with the rest of the Council, and was present at the opening. As is well known, Hamilton formally dissolved the Assembly on the 28th of the same month, though, disregarding his action, it continued to sit till the 20th of December. But after the dissolution a full meeting of Council was held, when the commissioner's action was approved, and a proclamation homologating the same, and a letter of thanks to the king were prepared, both of which were signed by the earl.[1] The proclamation, by Hamilton's desire, was not made till after he left town, but its intention was completely defeated by the Earls of Argyll, Haddington and Wigtown, and Lords Almond and Napier, all councillors, giving in their adherence to the Assembly next day.[2]

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[1] Hardwicke's State Papers, vol. ii. p. 116.

[2] Contemporary Print of Minutes of Privy Council. Cf. Gordon's History of Scots Affairs, vol. i. pp. 108, 110; Spalding's Memorialls of the Trubles, vol. i. p. 107, ii. 43; Historical Works of Sir James Balfour, vol. ii. pp. 290-292.

[3] Report on the Manuscripts of the Duke of Hamilton by the Historical MSS. Commission, p. 100.

These proceedings were followed by a period of threatened hostilities between Charles and the Scots, which endured from January till 18th June 1639, when the pacification of Berwick was signed, but how the earl was engaged during this period does not appear. He was present, however, at a meeting of Council held at Holyrood on 1st July,[3] and James Gordon, parson of Rothiemay, states that he had now leisure to court the daughter of the Marquis of Huntly, in which he had the company of Lord Seton and Lord Drummond, who were making suit to the other two daughters of the Marquis.[4] The choice of the Earl of Haddington had fallen upon Lady Jean Gordon, third daughter of George, second Marquis of Huntly, and Lady Anne Campbell, sister of Archibald, eighth Earl of Argyll, but the religion of Lady Jean, in which she was very zealous, was an impediment. Like her father, she was attached to the Roman Catholic faith, and to detach her from it required some time and considerable effort, with the combined labours of her uncle, the Earl of Argyll, and Mr. James Row, minister of Muthil. Correspondence on this subject took place between the earl and her uncle, who replied that she had, notwithstanding her zeal, expressed herself open to light, and "content to imbrace the treuth upon knowledg," which he took as a most hopeful symptom of success. Lady Jean resided at this time in the Canongate, Edinburgh, with her father and sisters. But in November 1639 both of her sisters were married, and the Marquis gave up his house and went to England, whereupon she went to her sister's house at Winton, in East Lothian. All difficulties being at length overcome, the marriage of the Earl of Haddington and Lady Jean Gordon took place on 14th January 1640. Her tocher or dowry was 30,000 merks, for payment of which the Earl of Argyll engaged himself. The marriage, it may be said, was wholly arranged by Argyll, yet with the cordial assent of Huntly, who immediately afterwards expressed his gratification in a letter to his son-in-law.[5]

After the pacification of Berwick the interests of the king and Scotland were so far identical that there was no longer a necessity of members of the Privy Council making a special stand against the Covenanters for the royal prerogative. Not that this was the mind or the desire of Charles, but it was the honest and logical result of the treaty, and as such was acted on by the Earl of Haddington and others. He wrote on the subject to Thomas, first Earl of Elgin, then in London, who in his reply expresses his joy and thankfulness at the measure, and says, "I must congratulate with your lordship for this happie change of affayres, as with a person as nearly concerned as any within these dominions, both by private interest, and also hauing a soule right sett for the publike good."[1] Other letters passed between them on public affairs, and the Earl also corresponded in like manner with his brother-in-law, the Earl of Rothes, who had been the principal leader among the Covenanters.[2]

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[1] Balfour's Annals, vol. ii. p. 317; Baillie's Letters and Journals, vol. i. p. 124; Gordon's History of Scots Affairs, vol. ii. pp. 26, 31.

[2] Row's History of the Church of Scotland, Wodrow Society, p. 505.

[3] Diary of Sir Thomas Hope, p. 100.

[4] History of Scots Affairs, vol. ii. p. 240.

[5] Vol. ii. of this work, pp. 173-179; Spalding's Memorialls of the Trubles, vol. i. pp. 229, 240, 245; ii. p. 87.

It became rumoured at Court that Haddington had joined the Covenanters and taken the Covenant, and his father-in-law, the Marquis of Huntly, wrote him on the subject. "It is reported heir," he writes, "that your lordship hath latelye turned to be ane earnest couenanter." Lest the king should hear it and be displeased, all the more that the relations between him and the Scots were again becoming strained, he asks the Earl of Haddington to authorise him to contradict the report. In reply the earl states that since his retirement from Court, his conduct had been such as needed no apology, and he offered none; and that the only covenant he had subscribed was that of 1580, which he did at his Majesty's special command. Nay, he had not even subscribed the covenant authorised by the General Assembly of 1638, ordered by the Council to be taken by all his Majesty's subjects, and subscribed by the Marquis of Hamilton himself as commissioner, and which therefore he could not have been blamed for doing. He admits that he employed several covenanting ministers in the instruction of his wife, and had succeeded in effecting her conversion against the will of her grandmother, and without her father's knowledge. But then his lordship, so far from blaming this step, had written a letter congratulating his daughter on the change of religion she had made. This step, he thought, was the real source of these invidious rumours, and he desired his lordship to affirm his continued loyalty to the king, for whom and his country he was ready to sacrifice life and fortune. The earl had soon the satisfaction of hearing through the Marquis of Huntly that his calumniators had failed in their object, and that the king was well pleased with his conduct.[3]

Some time prior to this, however, the Scots had again been proclaimed rebels, and among such as were so in the eyes of King Charles the Earl of Haddington had ranked himself. Warlike measures had been determined on, and when, in August 1640, the Scots army under Leslie crossed the Border to meet the advance of the king the earl was appointed major-general in Lothian, with the supreme military command over the entire south-eastern district of Scotland. This indicates the high confidence reposed in him by the Covenanters, and it was still further expressed in a letter of thanks by John, Lord Balmerino, who was their chief adviser, for the valuable services which the earl had rendered the cause, in which he says he but supplements the acknowledgments of the lord-general himself. In this letter, which is dated 20th August 1640, Balmerino refers to some ordnance sent back by General Leslie from the camp, and requests the earl to have them transmitted to Leith.[1] These were probably the cannon to which the historians of the period refer as left by Leslie at Duns, not being required in the expedition. The English garrison at Berwick hearing about them and other stores left at Coldstream, endeavoured to surprise the town of Duns, and seize the guns and stores. But this was prevented by the Earl of Haddington, who, according to some, came to the relief of Duns, with a force of two thousand foot and horse, and prevented the English from achieving their purpose, but, according to others, intercepted the English on their return with the cannon, recovered these, and inflicted severe chastisement on the English. A contemporary writer says, "in the cairts that they brought for our cannon, they returned nought bot their own dead bodies."[2] The Earl of Haddington then took the guns with him to his military headquarters at the Castle of Dunglas, in East Lothian. The same day, the 29th of August, the Scots achieved the victory of Newburn, after which they took possession of Newcastle; and the news was brought to the earl at Dunglas on the following day. Naturally elated with these successes the earl and his friends were making somewhat merry. They had dined together, and the earl left the hall, and was reading to the bystanders a communication he had received when the powder magazine exploded, and the earl with those around him was at once overwhelmed in the ruins of the castle.

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[1] Vol. ii. of this work, p. 172.

[2] *Ibid.* pp. 174-179.

[3] *Ibid.* pp. 180-184.

How the explosion occurred is enveloped in mystery. The only explanation that has ever been offered is that the earl's page, Edward Paris, an Englishman, either suborned by the garrison of Berwick for the purpose, or enraged at some witty reflections dropped by the earl on the running powers of his countrymen at Newburn, and being the only person intrusted with the custody of the powder vaults, seized a red-hot iron ladle and plunged it into a cask of powder there. He, of course, sacrificed himself in the glutting of his revenge, and Balfour relates that the only part of his remains ever recovered was "ane arme, holding ane iron spoune in his hand."[3] There were from eighty to one hundred persons in the castle at the time, most of whom were either killed or hurt, among those who shared the fate of the earl being his two brothers Robert and Patrick Hamilton, his cousin Sir John Hamilton of Redhouse, his kinsmen Sir Alexander Hamilton of Innerwick and his son Alexander, and his brother-in-law

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[1] Vol. ii. of this work, pp. 184, 185.

[2] Baillie's Letters and Journals, vol. i. p. 258.

[3] Historical Works, vol. ii. p. 396.

Colonel Alexander Erskine.[1] According to Balfour, a portent of this sudden catastrophe appeared on the evening of the preceding Thursday. From the coast of Fife, about eight o'clock a very great pillar of fire was seen to arise from the north-east of Dunbar, "and so ascendit towardes the southe, wntill it approached the verticall poynt of our hemespheare, yeilding light as the moone in her full, and by little euanishing wntill it became lyke a paralaxe, and so quyte euanished aboute 11 of the clocke in the night."[2]

This sudden and untimely death of the earl was cause of grief and lamentation to many. When King Charles heard of it he observed that he had lost a good subject.[3] The Covenanters mourned his loss as that of a "brave and noble gentleman,"[4] as well as a gallant commander, and even the royalist, Spalding, grieves for the "distructioun of this noble man, both worthie and valarous."[5] But on no one did the stroke fall with more poignant force than on his young widowed Countess, to whom he had been married only that year. On receiving the tidings, she, in a frantic, half-dazed state, attempted to mount behind a menial on a common work horse, to be conveyed to the scene of the disaster, but immediately fell off the animal's back among a heap of stones and was severely bruised, though even then she could scarce be restrained by her friends from proceeding. The remains of the earl, on being recovered from the ruins of Dunglas Castle, were buried at Tynninghame.

The sad event was the occasion of a letter of comfort addressed by Mr. Zachary Boyd to the earl's sister, Lady Jane Hamilton, Countess of Cassillis. He thus writes:—

MADAME,—In the common calamitie of this nation, the publick suffered a great wound in the death of your ladiships noble brother, the Earle of Hadintoun, with a number of worthie gentlemen, who had both hearts and hands for the good cause. Your ladiships particular losse hath beene very great, both in his lordship, and in your other worthie brethren, who were fearfully overwhelmed by the house of Dunglasse, by treacherie, blown up with powlder for to spoile the Church of God of such helpfull instruments, in such a time of need.

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[1] Historical Works, vol. ii. p. 396. Cf. Spalding's Memorialls of the Trubles, vol. i. p. 337; Gordon's History of Scots Affairs, vol. iii. pp. 261, 262; L'Estrange's Reign of King Charles the First, p. 194; Annals of the Reigns of James the First and Charles the First, p. 855.

[2] Historical Works, vol. ii. p. 397.

1640. August 30.—At eftirnoon, about 4 or 5 hours, was that vnhappie and lamentable exigence of the blowing up of the house of Dunglass by powder, to our greit greiff and sorrow, and of the haill cuntrie; for there the trewlie nobil and worthie Thomas, Erle of Hadinton, depairtit this lyf, and his twa bretherin, with Col. Areskine, and sindrie worthie gentilmen of gude qualitie as Sir Alexander Hamiltone, Gogar and Inglistoune, and many honest and trusty servands, as Ninian Chyrnside, Alexander Cuninghame, John Johnston, with sundrie others. On 1st September the Erle of Hadingtoun, of worthie memorie, and his brethern, Robert and Mr. Patrick, and Col. Areskine, buried at efternoon, towards evening. [Session Records of Parish of Tynninghame.]

In the parochial register of Melrose the following account of the incident is given:—30th August 1640.—"Mr. William Wilkie preached, but, being interrupted at midd sermon, because of the Inglishmen that came from Berwick to Dunse, thinking to carrie away our cannon, powder, and lead with them; but, blessed be God, they got the foyle, and returned with shame, being beat back with a few. But upon the same night ane pityfull accident there was at Dunglass, where my Lord Haddington, of worthie memorie, with many others, was betrayed with powder, so that the house was blown up, and they were smoored in the close; the lyke whereof was never heard in Scotland." [New Statistical Account of Roxburghshire, p. 55.]

[3] Spalding's Memorialls of the Trubles, vol. ii. p. 338.

[4] Baillie's Letters and Journals, vol. i. p. 258.

[5] Memorialls, vol. ii. p. 339.

Such a stroake made the victorious lawrels of Newburne to change their greenest colours into black. If they had beene safe, Scotland had beene overjoyed; our cup had overflowed. If our mirth had not been marred, hardly could we have beene kept within measure. So it pleased the Lord to temper that Scottish victorie with that fearfull tragedie for to teach us all to rejoice in trembling, and to look for perfect joy onely in the heavens. As for you Madame, whom the Lord hath endowed with many Christian vertues, yea, with a heroick courage to this cause, I think that your brethrens death may be a comfort, in that they died for the good cause; their death in a manner was a martyredome, for they suffered for the cause of Christ. They were readie in their life, at all occasions, both to do and to die for the maintenance of religion and of the liberties of their native countrey. Of them might be said, as David said of Saul and Jonathan, "They were swifter then eagles, they were stronger then lions." Though their bodies be dead, their names shall live in all the memories of good men of this age, and in the chronicles of time for all ages to come. It was a great honour among the men of war in David's dayes to be called David's worthies, but it is a greater honour to be renowned the worthies of Christ. To have a heart or a hand for his honour is a praise which no time shall be able to deface. Let all these considerations, and many mo than I am able to expresse, teach your ladiship in your deepest doole, both now and in all times to come, to behave and quiet yourself like a childe that is wained of his mother, who stilled, is made silent, being simple and submissive, humble, meek and modest. What God hath done, or permitted to be done, must not be said against. Whatever the instruments have been, we must ever bless the Lord. Job did so after that Sathan in a mighty winde, by the fall of an house, had smothered all his children. As for Job's children, they were at a banquet, in dangers of blasphemie, but your ladiship's brethren, at the very blast, were praising the Lord for a victorie graunted unto Christ's armie; and from that spirituall joy and singing of hearts on the Lord's day, they being Christ's martyrs, went up to heaven, where they shall sing Hallelujah for ever. This should be no small comfort to your ladiship, that God hath preserved your worthy lord and husband, whose zeal, wisdom, courage, and uprightness, not declining but still increasing, have most oriently shined in our army unto his everlasting praise. The Lord season your ladiship's sorrowes with the joy of his Spirit, that his peace may be your portion, and his Christ your advantage, both in life and death.—Your ladiship's humble servant,

M. ZACHARIE BOYD.[1]

Lady Jean Gordon, Countess of Haddington, survived her husband for fifteen years, and died in the summer of 1655.[2] She is mentioned in an agreement between the minister and heritors of the parish of Cramond in 1649 as liferentrix of Craigiemill and Brigend in that parish.[1] She also held the estate of Dalmeny and Barnbougal, on which she resided, and for travelling thither on one occasion she received a pass from General Monck at Stirling.[2] Letters to her from her uncle, Archibald, Marquis of Argyll, and her brother, Lewis, Marquis of Huntly, are printed in another part of this work.[3]

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[1] Four Letters of Comforts, by Mr. Zachary Boyd, printed 1640 and republished 1878.

[2] Lamont's Diary, p. 89; Commissary Records of Edinburgh, Testaments.

By his first wife, Thomas, second Earl of Haddington, had issue—six sons and one daughter. His children were—

1. Thomas, third Earl of Haddington, of whom a memoir follows.
2. John, fourth Earl of Haddington, of whom also a memoir follows.
3. Hon. Alexander Hamilton, who died young, on 13th December 1629.
4. Hon. —— Hamilton, born in November 1630, who probably died young.[4]
5. Hon. Robert Hamilton, who was born on 6th April 1633, but died young.
6. Hon. James Hamilton, born on 24th September 1634, who also died young.
7. Lady Margaret, who was born on 17th July 1632, and died young.
8. Lady Margaret, posthumous daughter of the second marriage of the earl, was born on 15th January 1641. On 24th April 1662 she married (contract dated 11th February 1662) Sir John Keith, knight-marischal of Scotland, afterwards created Earl of Kintore, third son of William, sixth Earl-Marischal. Her tocher was £10,000 Scots, for payment of which her brother, John, fourth Earl of Haddington, assigned to her husband the bond his father had received from the Marquis of Huntly for the £20,000 Scots of tocher promised with Lady Jean Gordon, her mother. From that marriage the present Earl of Kintore is lineally descended.

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[1] Acts of the Parliaments of Scotland, vol. vi. part II. pp. 421, 422.

[2] Vol. ii. of this work, p. 188.

[3] Vol. ii. of this work, pp. 187, 188.

[4] Letter from Jane Hamilton, dowager Lady Ross, dated Edinburgh, 29th November 1630, at Eglinton.

Hadinton:

Catherene Erſkine

XII.—THOMAS, THIRD EARL OF HADDINGTON.

HENRIETTA DE COLIGNY (Chatillon), his Countess.

1640—1645.

When his father died, Thomas, third Earl of Haddington, was still a minor. His curators were James, Marquis of Hamilton, William, Earl Marischal, John, Earl of Cassillis, John, Earl of Lindsay, William, Earl of Lanark, secretary for Scotland, Sir Alexander Gibson, younger, of Durie, lord-clerk register, Alexander Hamilton, general of artillery, Arthur Erskine of Scotscraig, Sir James Hamilton of Priestfield, Sir Adam Hepburn of Humbie, Sir Alexander Foulis of Colinton, and Sir Patrick Hamilton of Little Preston. Under their guidance the earl was served heir to his father and grandfather in the Haddington estates, about two months after his father's death.[1] In the lands of Kirklandhill, which were held of St. Mary's College in St. Andrews, he was infeft in February of the following year on a precept by Dr. Howie, Mr. Samuel Rutherford, and others, the representatives of the college.[2]

Little is known concerning Thomas, third Earl of Haddington, as he held the earldom only for a very few years. Though still under the age of twenty-one years, he was present at the meeting of the Scottish parliament in Edinburgh in 1641, which was memorable, among other things, for being presided over personally by King Charles the First. He accordingly took part in the courtly ceremonies of that occasion, including the state riding of parliament on 17th November of that year. Among the proceedings were several acts in which the earl was personally concerned. One enacted that the testament of his father and the others who perished with him at Dunglas should not be burdened with any "quot" or other charge; and another, which ratified to the University of St. Andrews a mortification of the rents of the priory and bishopric thereof, excepted therefrom the churches of Haddington and Linlithgow, which were disponed to the earl on condition of his paying to the university any *reddendo* contained in the rights of these churches. He also protested that a ratification granted in favour of Francis Stewart, son of the Earl of Bothwell, should not be to his prejudice.[3]

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[1] Brief for serving him heir to his father and grandfather, dated 24th September 1640, in Haddington Charter-chest. Inquis. Retor. Abbrev. Haddington, Nos. 181-183.

[2] Dated 8th February 1641, vol. ii. of this work, p. 312.

[3] Acts of the Parliaments of Scotland, vol. v. pp. 308, 330, 380, 575, 662; Balfour's Annals, vol. iii. pp. 5, 43, 161.

In several respects the third earl resembled his father, one of these being the urbanity and gentleness of his disposition. This is reflected in a letter written by him to Sir James Galloway, master of requests for Scottish affairs at London, in answer to a request for payment of some annual interests which had been overlooked.[1] He also, like his father in the most mature period of his life, adhered firmly to the Reformation, and exemplified this during the incident of "the Banders," in May 1642, when King Charles, having engaged in war with his English parliament, sought to enlist the Scots on his side. The Earl of Eglinton and a number of other barons, whose disfavour to the covenant was known, met together in Edinburgh in the king's interest, and presented a petition to the Scottish Council in defence of the king's prerogative, and in opposition to the English parliament. The Covenanters, however, took alarm, and a counter petition was at once drawn up in their name and presented by Thomas, Earl of Haddington, and other nobles, to the Council. This petition, which is printed at length by Spalding, was successful in defeating the attempts of the Banders.[2]

In the letter to Sir James Galloway referred to above, the earl mentions his having been abroad in France. He seems to have lived some time there before his succession to the earldom, and probably at later periods made short visits to that country. During one of his visits he met and fell in love with Henrietta, the beautiful and witty elder daughter of Gaspard de Coligny, Lord of Chatillon, and Marshal of France (grandson of the renowned Admiral Coligny) and Anne de Polignac, and they were engaged to be married. The preliminaries were arranged with the lady and her parents at Paris on 1st April 1643, on behalf of the Earl of Haddington by Mr. Henry Foulis, who appears to have been either a travelling tutor to the earl, or an agent specially intrusted with this negotiation. It was arranged that Henrietta should receive as dowry from her parents 25,000 livres—10,000 at marriage, and 15,000 a year after. The earl, on the other hand, agreed to renounce all claim to their succession, though they reserved liberty to recall their daughter to succeed them, or to bestow upon her any further portion of their goods they should think proper. The lady was to be infeft in the barony of Byres, or other estates in the county of Haddington, of an annual revenue of £10,000 Scots; besides which her jewels and movables were to be her own property, and freely removable by her. The solemnities of the marriage were to be celebrated according to Scottish custom, without pomp and unnecessary expense, and, in fine, his lordship was counselled to render to his relatives and curators all due honour and obedience and return to Scotland with his spouse at such time as they should appoint.[3]

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[1] Vol. ii. of this work, p. 185.

[2] Memorialls of the Trubles, vol. ii. p. 148.

[3] Vol. ii. of this work, p. 186.

In furtherance of this purpose the formal contract of marriage was prepared in Scotland, and signed by the earl and his curators at Holyrood on 13th May 1643; and on the same day the earl granted a charter in favour of Henrietta de Coligny of an annuity of £10,000 Scots, from the barony of Byres, in which she was infeft on the 22d of the same month.[1] These preliminaries arranged, the earl set sail from Leith for France on Monday, 12th June, accompanied by two of his maternal uncles, Sir Charles and the Hon. William Erskine.[2] He arrived safely at Chatillon, and before the expiry of the same month, wrote the following letter to the Earl of Lothian, who was then in Paris on a diplomatic mission regarding the Scots in military service in France. It is interesting in several respects.

Right Honorable,—I have taken the boldnes to troble your lordship at this tyme becaus of a proposition that was made to me by Mr. de Chastillon and Madame, who, when they harde of the good succes of your lordship's voyage, and of the favorable answer your lordship hes gotten heir, touching the places and priviledges that did before belong to Scotsmen, which we hear is of new re-establisch'd to them again, therefore they urge that I shall seike the place of the captaine of the Scots Gairde of fyve and twentie, commonly called *la Garde de Manche.* My lord, it is a thing that was propon'd to me long ago, bot wherto I wold never set my mynd untill they did putt me upon it, and yet much lesse, if I had not assurence that your lordship hes no mynd therto, for verie shortly since, one assured me therof who tooke upon him to know it verie well. Once, indeid, I hard that your lordship had such a mynd, which made me not aime therat, as I shall never at any, wherto your lordship pretends. My lord, thogh so be that it be not granted that that place shall be to Scotsmen, yet Mr. de Chastillon thinks this may be easilie doone; for he is confident the queine wold not refuse him that, if he should aske it at hir (which he will doe when he coms to Paris), bot a great deal more if your lordship wold be pleas'd to speake to hir about it, and to Cardinal Mazarin. This will be, my lord, a great favour, wherto nothing can oblidge your lordship, save only out of your goodnes and courtesie, wherof I haue alreadie so many provs, that I am bound to show by effect at evrie occasion, better then I can doe by any words.—Right honorable, your lordship's most affectionat and humble servant,

Hadington.

I did hear that your lordship had a mynd to come to Chastillon if your affairs could permitte, and Mr. and Madame de Chastillon assured me that they wold be exceeding glad to haue the hapines to se your lordship befor ye parted, and for my oun part I shall be infinitly glad to haue that honnour.

A Monsieur, Monsieur le Comte de Loudian, à Paris.[3]

The marriage of the Earl of Haddington and Henrietta Coligny took place in

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[1] Charter and Sasine in Haddington Charter-chest.

[2] Diary of Sir Thomas Hope, p. 189.

[3] Correspondence of the Earls of Ancram and Lothian, vol. i. pp. 148, 149.

August 1643, but Lord Lothian was prevented from carrying out his intention of being present, being prostrated by fever at the very time.[1] On behalf of the lady and her parents the French contract of marriage was signed at Chatillon on the 8th of that month, and the marriage appears to have taken place immediately afterwards. The following nuptial ode was written for the occasion, and dedicated to the Countess :—

AD HENRIETTAM COLIGNEN CHATTILIONAM, HADINTONIÆ (EX THALAMIS AUCTO NOMINE) COMITISSAM, IN SCOTIAM CUM VIRO NAVIGATURAM, HYMENÆI VOTUM.

Pectoris magni nimis, O Coligna,
Nympha, tu ignoto populo marique
Credis incerto, temere et Penates
Linquis avitos.

Quam nec amplexus Ligeris decori
Detinent suaues, capiuntne celsæ
Sequanæ turres et amœna pictis
Flumina ripis.

Quamque nec flentes revocant parentes,
Heu ! Vale longum metuente matre
Dicere, et longum male vix premente
Cætera patre.

Quid petis terras tenui calentes
Sole ? Quid Scotum sequeris ferocem ?
Quid colis toto penitus remotos
Orbe Britannos ?

Heu ! vides quanto rapitur tumultu
Æther, et ventis agitatur aër ?
Hinc vel ut pinus quatitur, vel illinc
Ripa procellis ?

Lusimus ; nec sic trepides, Coligna,
Seu genus clarum celebremve Hadini
Indolem spectes patriæve Francis
Nomen amicum.

Tu procul Scylla, procul et Charybdi,
Sirtibus necnon procul æstuosis
Ibis, et laxas superabis alti
Æquoris undas.

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[1] Correspondence of the Earls of Ancram and Lothian, vol. i. p. 150.

Dii maris structis adeunt catervis,
Hîc senex Glaucus, Nereusque et illîc
Te comes ducet per aquosa Triton
Regna Canorus.

Nec fugam sævæ capere est necesse
Colchidis, nec quam rapuisse Cressa
Fertur, aut per quam cecidere celsæ
Mœnia Trojæ.

Hac via gressus tibi prætulere
Regiæ sponsæ, sub utroque sceptro ;
Huc iter stravit genetrix Hadini
Magna sororque.

Cujus insignem specie nepotem
Dant tibi vitæ socium futuræ
Lex, fides, virtus, amor et piorum
Vota parentum.

Tu licet multos numeres triumphos,
Et super dotem, proavos patremque
Ad feras fortem, seriemve per sex
Sæcula avorum,

Regius sanguis tuus est Hamilton
Quique nunc sceptrum repetit Britannum
Carolus cum illo cadit ex eodem
Stipite quartus.

Quid decus morum geniumve dicam ?
Quid probem quæ tu sæpius probâsti
Corpus, et quid sit geminare testis
Basia nôsti.

Fallor an frugum pecorisque terra
Te manet dives satis, at recoctis
Montium in venis bene derelicti
Ditior auri.

Insulam nullus beat hanc Lyæus,
Huc relegatur tamen ille Liber,
Quique Gallorum dominatur oris
Servit in illis.

Terra, musarum decus, et virorum
Fortium sedes, gravis at puellis,
Quas jubet lex hîc dare se Sabinas
Cætera fælix.[1]

The earl brought his countess to Scotland, and found that during his absence parliament had appointed him colonel of a troop of horse which it had been resolved to levy from the county of Haddington to aid in the defence of the kingdom.[2] In June of the following year he was present at and took part in the proceedings of parliament at Edinburgh, and was nominated on the committees of war for the counties of Haddington and Berwick, and the bailiary of Lauderdale. He was also elected on the Committee of the Estates of Parliament chosen to direct affairs during the prorogation, one portion of which was to remain in Scotland, and the other to accompany the Scottish army into England. It was on the former section of the committee that Lord Haddington was placed.[3]

The earl, however, was absent from the meeting of parliament in January 1645. He had been seized with consumption, which at first confined him to his chamber, but proved rapidly fatal. On Saturday, 8th February, Sir Thomas Hope has the following entry in his diary: "This day, about 4 hours efternoone, Thomas, Erll of Hadingtoun, deceassit of a dwyning aithik disease." A week later he was buried in the Abbey of Holyrood;[4] and on the meeting of parliament that day at nine o'clock in the morning the president requested the whole house to do honour to the memory of the deceased earl by meeting at two o'clock at St. Giles' Church, to convoy his remains thence to the Abbey Church of Holyrood.[5] Having no issue, the earl was succeeded in his honours and estates by his next and only surviving brother, John, fourth Earl of Haddington.

His widowed countess, Henrietta de Coligny, returned to her native country of France within a few months after the earl's death. She obtained a pass from the English government to enable her and her retinue to make the journey in the end of June or beginning of July the same year.[6] Having been born at Paris in 1618 she was thus still comparatively young, and after her return she re-entered the bonds of matrimony with a French Huguenot nobleman, Gaspard de Champagne, Comte de la Suze. But while exceedingly beautiful, and possessed of great mental accomplishments, the countess, say the French writers, was full of levity, eager for the world and its pleasures, so that the marriage was an unhappy one. Her beauty drew many admirers around her, which, exciting the jealousy of her husband, led him to resolve on secluding her in one of his castles. To avert this the countess abjured the Protestant faith and turned Roman Catholic,[1] and also raised a process against the count, her husband, for annulment of the marriage. To purchase his consent she paid him 25,000 crowns, and obtained the decree desired from parliament in 1655. As the Comte de la Suze was forfeited that same year for taking part with the Prince de Condé, and his escheat was gifted by the French king to his countess, it was commonly said that she lost 50,000 crowns by that transaction, as instead of her paying 25,000 crowns to the count, he would have gladly paid her the same amount to be quit of her. One of her correspondents, Christina, Queen of Sweden, remarked in a letter that the countess changed her religion that she might never again see the count, either in this world or in the next. The divorce was formally pronounced by the judge ordinary of the officiality of the Abbey of St. Germain-des-Prés on 9th August 1661, and she afterwards came to definite terms with the Comte de la Suze in regard to their respective properties.[2]

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[1] Copy in Haddington Charter-chest. Indorsed, "Carmen Epithalamicum Encomiasticon multos ante annos editum Lutetiæ Parisiorum a Gu: Do: —Memoriæ Thomæ Comitis Hadintoniæ tertii vita functi et honori familiæ."

[2] 26th August 1643. Acts of the Parliaments of Scotland, vol. vi. part I. p. 51.

[3] Acts of the Parliaments of Scotland, vol. vi. part I. pp. 95, 200, 212, 213; Balfour's Annals, vol. iii. p. 166.

[4] Diary, p. 213.

[5] Balfour's Annals, vol. iii. p. 374.

[6] Draft Order for Pass, and List of Servants, dated 27th June 1645, Appendix to Sixth Report of Historical MSS. Commission, p. 66.

During all this time she was entitled to draw her liferent provision from the Haddington estates, the negotiating of which was rendered somewhat complicated by the strained relations of her second marriage, and led to the raising of an action by her, in 1658, against her brother-in-law, John, fourth Earl of Haddington, before Cromwell's commissioners for justice in Scotland, which was decided in her favour.[3] She regretted the action, and states this in her letters to him at the time.[4] But he was then interdicted by her husband from paying. When the countess and her husband came to terms, and she obtained freedom to manage her own affairs, the Earl of Haddington suggested that she should compound for her annuity by accepting a sum of money in lieu thereof, and to this proposal she at once consented.[5] A disposition was granted by her at Paris in favour of John, Earl of Haddington, whereby, for a present payment of £40,000 Scots, she renounced her liferent annuity of £10,000 Scots.[6] The countess however, though nominally in right of this provision of £10,000, had not, after 1650 at least, the enjoyment of it all. Being, by the law of Scotland, subject to the payment of public burdens, which then on account of the war became very heavy, and the barony of Byres being devastated and rendered unproductive for a number of years, this provision was much encroached upon. But the countess considerately agreed in these circumstances to accept the reduced annuity of £5500 Scots, the Earl of Haddington paying the public burdens, which amounted to nearly £3600 Scots, or £300 sterling, and it was on the basis of this agreement that the final settlement of the composition for the liferent of the countess was made.

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[1] 20th July 1653, Père Anselme's Généalogie, vol. vii. p. 154.

[2] Extracts from French Register, in Haddington Charter-chest.

[3] Decreet, dated 1st January 1658, *ibid.*

[4] Vol. ii. of this work, pp. 188, 189.

[5] *Ibid.* p. 190.

[6] Disposition, dated 5th July 1663, in Haddington Charter-chest.

After separating from her second husband the countess gave herself up to writing poetry. She composed many odes, madrigals, and songs, one of her odes being written in honour of the Queen of Sweden. Her house was the rendezvous of persons of similar tastes, in the works of several of whom she is mentioned and praised. She demeaned herself as a heroine of romance, and allowed her affairs to become involved in ruin. She died at Paris on 10th March 1673, and was buried in the Church of St. Paul there. Her works were collected and printed, and, among other memorials of her, she has been accorded a niche in the Parnasse Français of M. Titon du Tillet. Her portrait was engraved, for a collection of her works published in 1725 at Trévoux, from a painting by Mignard, the royal painter, while another was executed by Largillière. The latter represents her sitting in a triumphal car surrounded by clouds, and the following tribute to her qualities was inscribed thereon either by the President de Fieubet, or, as others think, by Père Bouhours:—

Quæ Dea sublimi rapitur per inania curru?
  An Juno, an Pallas, num Venus ipsa venit?
Si genus inspicias, Juno; si scripta, Minerva;
  Si spectes oculos, Mater Amoris erit.

Hadinton

Henriette de colligny

XIII.—JOHN, FOURTH EARL OF HADDINGTON.

LADY CHRISTIAN LINDSAY, his Countess.

1645—1669.

To Thomas, the third Earl of Haddington, succeeded his next and apparently only surviving brother, John, who thus became fourth earl within eight years after the death of his grandfather, who first obtained the title. As he is mentioned in a document dated 31st March 1647,[1] as having attained "his perfect age of twenty-one years," Earl John was probably born in the beginning of 1626. At the time of his succession he was thus still under age. During his father's lifetime he was provided to the family estate of Samuelston, in the county of Haddington. The grant was made when his father held the courtesy title of Lord Binning, and the grantee is described as the second son of his lordship and the late Dame Catharine Erskine, his wife. Failing heirs-male of the grantee the lands were to return to the Earls of Haddington, of whom they were to be held in free blench for one penny yearly and the payment of the proportion of the stipends of the ministers of Haddington and Salton.[2]

In April 1645 the earl expede retours as heir to his brother, and also to his father and grandfather, in the lands in which they died infeft. These were the baronies of Coldenknowes and Coldstream in Berwickshire, Binny or Binning, with the lands of Orchardfield and temple lands and others in Midlothian, the barony of Inverkeithing and temple lands in Fife, the regality of Drem and baronies of Byres, Luffness, Tynninghame, with many other lands and tenements in Haddingtonshire, the barony of Melrose in Roxburghshire, the lands of Hopcarton in Peeblesshire, Wolfclyde in Lanarkshire, and the baronies of Binny and Dalmeny, with the lands of Humbie and others in Linlithgowshire. The earl was also served heir to his paternal uncle, Robert Hamilton of West Binning, in his lands of West and Mid Binning, Auldcathie, and others in the county of Linlithgow.[3]

His tenure of the earldom may be said to have been held under three different regimes—those of the Covenant, the Commonwealth, and the Restoration. During his lifetime he was a close attender of the meetings of parliament. He took part in the proceedings of the parliament which met at St. Andrews in November 1645. Though still young, he was chosen as one of four noblemen who, with representatives of the other two Estates, were appointed a committee to report upon the cases of those who had suffered losses in their country's service, and how such as were utterly ruined should be provided with present subsistence, and ultimately indemnified. He also received a commission of justiciary from the parliament to himself and James Lithgow, his baron bailie at Coldstream, to try Robert Johnstone, an inhabitant of Tweedsmill, for killing John Tailor, a fellow-resident there, in the previous month of September, and to carry out the sentence of his court.[1] During the three years immediately following he was a member of the committees of war in the counties of Haddington, Berwick, Roxburgh, Midlothian, and Linlithgow.[2] He was also on the committee of bills and overtures of the parliament which met in Edinburgh in November 1646, from which, on 11th December of that year, he received a dispensation, on his own petition, permitting him, and his bailies and deputes of the lordship and regality of Melrose, to sit and hold courts for service of brieves and administration of justice, notwithstanding that parliament was in session at the time.[3]

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[1] Indorsation on contract between Thomas, Earl of Haddington, and Sir James Hamilton of Priestfield, dated 30th September 1641, whereby John, fourth earl, ratifies the same on 31st March 1647, in Prestonfield Charter-chest.

[2] Disposition, 9th January 1636, in Haddington Charter-chest.

[3] Abbreviate of Retours for counties named, under date 10th April 1645 and, in the last case, 4th March 1647.

In two of the acts of this parliament the Earl of Haddington had a personal interest. One of these ordained that the commonty lands in certain counties, including Haddington and Midlothian, should be divided between the several proprietors, in order to bring more of the land under cultivation; but exception was made of those belonging to the earl in the counties named.[4] The other act was a ratification to the earl of the lands of Humbie, in the parish of Kirkliston, Linlithgowshire, which, as narrated therein, were of old part of the patrimony of the see of St. Andrews, but having become the property of the Crown by the act of annexation, were, in 1599, granted by King James the Sixth to Alexander Hamilton of Innerwick, who in turn disponed them to Thomas, first Earl of Haddington, then designed of Monkland and king's advocate. At considerable expense the rights of others to the lands had been acquired, and the varying fortunes of the bishops and their lands had rendered it necessary to compound with George Gladstanes, archbishop of St. Andrews. After episcopacy was suppressed, and the ecclesiastical lands were again annexed by the state, the holding of Humbie became precarious, and at the request of the Earl of Haddington, this parliament, by its act, dated 27th March 1647, confirmed and approved the charters and infeftments of the lands of Humbie granted to him and his predecessors.[1]

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[1] Acts of the Parliaments of Scotland, vol. vi. part I. pp. 474, 482, 484; Balfour's Annals, vol. iii. pp. 308, 329. Balfour makes the mistake of recording the earl's Christian name as Robert.

[2] Acts of the Parliaments of Scotland, vol. vi. part I. pp. 560, 561, 813, 814; part II. p. 67.

[3] *Ibid.* part I. pp. 612, 616, 633.

[4] *Ibid.* p. 803.

In the beginning of 1648 the marriage of the earl to Lady Christian Lindsay, second daughter of John, Earl of Crawford and Lindsay, then lord high treasurer of Scotland, and Lady Margaret Hamilton, his countess, was arranged at Holyrood. The contract was witnessed by the bride's uncle, James, Duke of Hamilton, and by the Marquis of Argyll, the Earls of Rothes, Glencairn, Cassillis, and Abercorn, and Lords Montgomerie, Yester, Cardross, and Bargeny, with several of the earl's own immediate relatives. The tocher of Lady Christian, who, it may be mentioned, was the grand-daughter of the earl's own aunt, Lady Christian Hamilton (she having married Robert, ninth Lord Lindsay), was 20,000 merks, and her jointure lands were those of Samuelston, where, because the existing manor house was not sufficiently commodious for her residence as a dowager, the earl obliged himself and his heirs to erect a mansion, with commodious hall and chambers, kitchen and office-houses, suitable for her and her household.[2] On the same day and at the same place, John, Earl of Rothes, was contracted in marriage to Lady Anna Lindsay, the eldest daughter of the lord high treasurer, and the Earl of Haddington reciprocated the courtesy of the Earl of Rothes by attesting his marriage contract.[3] This new-year's-day incident of the betrothal of the Earls of Haddington and Rothes to the two daughters of the Earl of Crawford and Lindsay gains further interest from the sequel. The eldest son of the Earl of Haddington in course of time married the elder daughter and heiress of the Earl of Rothes, merging both houses into one, when, by arrangement, the elder grandson of John, Earl of Haddington, obtained the Rothes estates and carried on the title, and the second grandson the line of Haddington. But this will be more fully adverted to on a later page. The Earl of Haddington and Lady Christian Lindsay were duly proclaimed with a view to their marriage in the churches of Holyrood and Tynninghame on 6th February 1648,[4] and the union appears to have taken place shortly afterwards.

While upon the subject of marriages, it may be noted that John, Earl of Haddington, was present as a consenting party at the second marriage of his aunt, Lady Margaret Hamilton, relict of David, Lord Carnegie, eldest son of David, first Earl of Southesk. Lord Carnegie predeceased her, and on 31st January 1647 she espoused

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[1] Acts of the Parliaments of Scotland, vol. vi. part I. pp. 839, 840.

[2] Contract of marriage, dated 1st January 1648, in Haddington Charter-chest.

[3] Appendix to Fourth Report of Historical MSS. Commission, p. 510.

[4] Session Records of the parish of Tynninghame. The session-clerk occasionally notes the earl's presence in the church at Tynninghame. On 7th September 1648 he states that the earl and Sir Patrick Hamilton were present, and on 27th February 1658 his lordship and James Hamilton, younger of Priestfield, were witnesses to the baptism of a daughter of Anna Home and Mr. James Acheson. [*Ibid.*]

James, first Earl of Hartfell, as her second husband, their contract being dated on the previous day.[1] Two years after her own marriage, Lady Haddington is said to have been present at the wedding of Lord Lorne and Lady Mary Steuart, daughter of the Earl of Moray. It took place at Moray House, in the Canongate of Edinburgh, in May 1650. Part of the marriage amusements of the Argyll and Moray party was said to have been to witness the procession of the vanquished Montrose through the Canongate to his doom. The Earl of Haddington appears to have taken an interest in horse-racing at this time, though not always with success, as on the 13th of the same month, Hugh, Lord Montgomerie, in a letter to his brother, says, "My lord's hors Benniton hes wone ane match at Lith of my Lord Hadington of 20 pises; and much moneys was wine in by lays."[2]

It being found necessary, in April of 1648, to place the kingdom in a posture of defence, parliament ordered levies of troops to be made throughout the different shires, and appointed the earl colonel of one of the regiments of horse and foot to be furnished by the county of Berwick. He was not, however, able to take part in active service, owing to lameness.[3] On the eve of the dissolution of this parliament he was nominated a member of the Committee of Estates for the government of the country during the recess. But before it separated he obtained the ratification of his holding of the barony and regality of Drem, which had been acquired in 1614 by his grandfather, then Lord Binning.[4] In the following year a protest was lodged in the earl's name in reference to an act passed by parliament for the purpose of protecting the owners of estates from being intruded upon by the masters of his Majesty's mines for minerals and metals within certain limits. The earl, holding this office in his own person by inheritance from his grandfather, protested that this act should not prejudice the grants and acts of parliament formerly made in his favour, but he was at once met by a counter protest from the Marquis of Argyll and the Earl of Cassillis in name of the whole heritors within the kingdom.[5] As a heritor in the parish of Cramond the earl was party to a contract with the minister of that parish for an augmentation of his stipend, which was ratified in the ensuing session of parliament. Each of the heritors stipulated to contribute a certain sum to make up the increase, and the proportion promised by the earl, and the Dowager Countess of Haddington, Lady Jean Gordon, his stepmother, who was then residing at Dalmeny, was £20 Scots.[6]

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[1] History of the Carnegies, Earls of Southesk, by Sir William Fraser, K.C.B., p. 113.

[2] Memorials of the Montgomeries, Earls of Eglinton, by Sir William Fraser, K.C.B., vol. i. p. 284.

[3] Treatise on Forest Trees, by Thomas, sixth Earl of Haddington, 1761, p. 1.

[4] Acts of the Parliaments of Scotland, vol. vi. part II. pp. 3, 30, 67, 102, 113.

[5] *Ibid.* p. 208. 17th February 1649. The earl afterwards disponed the Binnie mines to Sir James Hope. [*Ibid.* vol. vii. p. 363.]

[6] *Ibid.* vol. vi. part II. pp. 421, 422. 21st June 1649.

In 1650 the earl was among those who welcomed King Charles the Second, to Scotland as their rightful sovereign, and he was present and took part in the coronation ceremony at Scone, on 1st January 1651. The most part of the nobility were arrayed in robes and coronet; but the earl, with one or two others, is mentioned as not having on his robes.[1] At the meeting of parliament at Stirling in the same year he was chosen one of the Committee of Estates for the government during its recess.[2]

That his sympathies were with King Charles the Second, even after the latter was compelled to leave the kingdom, and that he occasionally had communications with him, is evident from a circular letter from the king, in 1653, to Lords Haddington, Home, Huntly, Glencairn, and Balcarres, in which the king says that he cannot give a better evidence of his affection than by seldom writing, knowing the sufferings they undergo. But having some confidence that this letter would reach them by the care of a good man, he desires that they may hear by his own hand, first, of his sense of their sufferings, next, of his being the same in heart and affection as when they parted, and of his incapability of alteration in his public principles concerning religion and honour, or in his private inclinations to his friends, lastly, of the distress he is in for want of support by reason of the necessities of "this" Crown, and of his desire that they might find some expedient for his assistance.[3]

Beyond this there is little on record respecting the earl in the time of the Commonwealth. He appears to have been fined by Cromwell, like many more of his countrymen, as among the moneys mortified to the court of justice during this period is mentioned the sum of £555, 11s. 8d., as having been paid by the Earl of Haddington. As a representative personage in East Lothian he was placed upon the committees for the raising of taxation within the county in 1655, 1656, and 1657, and he also served upon a committee in 1656 for overseeing the observance of certain regulations respecting the prices and the measures of coal sold to the natives, so far as regarded that county.[4] These duties were not voluntary, but were imposed by the government. The earl was also appointed by the noblemen and gentlemen of the county of Haddington their commissioner to a meeting convened by General Monck at Edinburgh, on 2d February 1660, for considering the condition of the nation and petitioning parliament accordingly.[5]

After the restoration, in which he heartily acquiesced, the Earl of Haddington returned to his place in parliament, and took a more prominent part in its work than formerly. During its first session in January 1661, he was appointed a lord of the articles and a member of the Privy Council, also a member of several commissions and committees for plantation of kirks, raising taxation for a grant to the king, recovering arrears due on account of the expedition to and from Holland in 1650, and for deciding a dispute between James, Lord Forrester of Corstorphine, and his neighbours in reference to Gogar Burn.[1] He also presented a protest in name and behalf of the Earl of Airlie in regard to the precedency of Airlie over the Earl of Findlater, another Ogilvy, and was nominated on a committee for the double purpose of considering what answer should be given by the parliament to a letter from King Charles the Second in favour of the restoration of the forfeited earldom of Forth and Brentford, and for raising the salary of the lords of session to £200 sterling yearly. The first of these was arranged to the king's satisfaction by the rescinding of the forfeiture of the Earl of Forth and Brentford.[2]

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[1] Lamont's Diary, pp. 26, 27.

[2] Acts of the Parliaments of Scotland, vol. vi. part II. pp. 679, 684.

[3] Clarendon State Papers, vol. ii. p. 456.

[4] Acts of the Parliaments of Scotland, vol. vi. part II. pp. 840, 846, 852, 882, 897.

[5] Original commission, dated 30th January 1660, in Haddington Charter-chest; vol. ii. of this work, p. 314.

Of more personal importance to the earl was a matter affecting his lands of Samuelston, which threatened to depopulate it. This was a visitation of witches, and also of robbers within his lands of Byres. For the purpose of obtaining punishment of the delinquents, the earl presented the following petition to parliament:—

> To the right honorabill his Majesties Commissioner, his Grace, and the lordis and otheris of the parliament appoyntit for the articles, the humble petitioun of Johne, Earle of Hadintoun,
>
> Sheweth,
>
> That wpon severall malefices committit of late within and about my landis of Samuelstowne, thair being severall persones suspect of the abominable sin of witchcraft apprehendit and searched, the markes of witches wer found on thame in the ordinarie way. Severallis of thame haif maid confessioun, and haif dilatit sundrie otheris within the saidis boundis, and haif acknowledged pactioun with the devill. Thair names are these—Elspet Tailzeor in Samuelstowne, Margaret Bartilman, Mareoun Quheitt, Jonet Carfrae. These haif maid confessioun alreadie. Others they haif dilatit as partakeris of the same cryme with thame, viz., Christian Deanes, Agnes Williamsone. These are dilatit be the former, and the markes ar found on thame, quha ar lykwayes apprehendit. Others are lykwayes dilatit by thame, namelie, Helene Deanes, George Milnetowne, Patrik Cathie, Anna Pilmure, Elizabeth Sinclair, Margaret Baptie, Jonet Maissone, and Margaret Argyill, Elspeth Crawfurd. These ar dilatit be the former confessing, bot ar not as yit apprehended nor searched. And trew it is that throw the frequencie of the said sin of witchcraft in the saidis boundis my haill tennentis thair threatnes to leave my ground without justice be done on these persones: And becaus the lawes ar now silent this sin becomes daylie more frequent; also thair ar two otheris persones apprehendit for thift in the forsaidis boundis quhom I haif intertained in

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[1] Acts of the Parliaments of Scotland, vol. vii. pp. 3, 5, 8, 48, 90, 290, 293.

[2] *Ibid.* Appendix, pp. 76, 77, 85.

prisone within the tolbuith of Hadingtoun wpon my awin chairges these ten weikis bygane; and other two ar apprehendit for robberie committit by thame within my boundis and landis of Byres these twentie weikes bygane, within the tolbuith of Edinburgh, wpon my awin chairges.

May it thairfoir pleas your lordships, give commissioun to Alexander Cockburne in Lethame, James Cockburne in Clerkingtoun, Mr. John Butler of Kirkland, Thomas Halyburtoun of Inchcairne, the proveist of Hadingtoun and Patrik Young, baillie of Haddingtoun, or onie thrie of thame, or onie others your honores sall think meitt, to putt the foirsaidis persones, witches, theiffes, and robberis to tryall and execution, according to lawfull probatioun to be wsed against thame, conforme to the lawes of the land. That my ground and the countrey may be freed of these abominable sines, or else that your lordship may give ordour to bring thame in to Edinburgh, thair to be tryed as your lordships shall appoynt, that I may be freed of thair trubill and expenses, and your lordships ansuer I humblie crave.

The petition, which was, in the first instance, presented to the lords of articles, was at once assented to, and a commission appointed, including the persons named, with the exchange of Sir John Sinclair of Hermiston for Alexander Cockburn in Lethame, and this procedure was ratified by parliament the same day, 3d April 1661.[1]

As a privy councillor, the Earl of Haddington frequently signed letters from the Council to the king, one of which intimated the re-establishment of episcopacy in Scotland in September 1661. In 1662, after a large number of the presbyterian ministers in the west of Scotland had been forced from their charges, leaving many of the parishes vacant, the earl joined with the Council in writing to the archbishops of St. Andrews and Glasgow to provide some remedy, and he was also actively concerned in the proceedings then taken against the presbyterians.[2] In later arrangements for the plantation of churches, he was appointed by the parliament of 1663 one of three noblemen, without whom the commission could not meet and transact business.[3] By the same parliament he was appointed one of a commission to investigate the authorship and working of the "Act of Billeting," which played so important a part in the intrigues of Lauderdale and Middleton. It was an act whereby the Earl of Middleton sought to get rid of his rival in the king's favour by causing the Scottish parliament by way of ballot to name twelve men to the king, of whom Lauderdale was one, as unworthy to bear office in the state. Its effect, however, was entirely the reverse of what was intended. When Charles received the act from the messengers from Scotland, he declared he would not follow it, pronounced it "pernicious and unparalleled," and sent instructions to Scotland for an inquiry to be made into its origin. The result of the labours of the commission was the expunging of the act of billeting from the records of parliament and the fall of Middleton.[1]

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[1] Acts of the Parliaments of Scotland, vol. vii. Appendix, p. 31.

[2] Wodrow's History of the Church of Scotland, Burns' ed., vol. i. pp. 218, 234, 284, 285.

[3] Acts of the Parliaments of Scotland, vol. vii. p. 474.

During the same year the earl was chosen to serve on another parliamentary committee, which had for its object the assisting of such as had been forfeited during the Commonwealth, and had been forced, for satisfying their creditors, to incur heavy mortgages and payments of interest. The committee were empowered to call such parties and their creditors before them, and, after due inquiry, to grant what measure of relief they judged expedient.[2] When the bishops of Aberdeen and Orkney were consecrated by Sharp in April 1664, after his return from England, the earl went to St. Andrews to attend the ceremony. In a letter to Lauderdale reporting the proceedings, Sharp notifies the fact that the earl and some others were present, and expresses himself as always very thankful for such patronage and countenance.[3]

From a correspondence which the earl maintained with Sir James Hamilton of Redhall, the brave defender of the house of Redhall, in the parish of Colinton, near Edinburgh, against Cromwell's army in 1650, it appears that the earl's health at this time was not altogether satisfactory. He had an illness in the beginning of 1661, his recovery from which in the month of April is noted; and in 1663 and the following year he spent some time at a spa in Yorkshire, probably Harrogate. The veteran soldier, Sir James Hamilton, having been taken prisoner on the ultimate surrender of his house of Redhall, but released by Cromwell on account of his bravery, followed his royal master into exile, and was supported by a pension from the Queen of France, or rather by her bounty, for he frequently wrote to the earl from Paris lamenting his distress and poverty. Though Sir James was the representative of the line of Innerwick, of which the Earls of Haddington were a junior branch, the position of the latter made them to be regarded as the tutelary patrons of all the branches of that line, and that this confidence was not misplaced is evident from the grateful strain of the letters of thanks received by the earl. In the case of Sir James Hamilton of Redhall, when, after the Restoration, he came to London expecting the resuscitation of his fortunes, the earl was continually applied to for his interest on behalf of his kinsman. But the earl's influence, though considerable with the managing statesmen in Scotland at this time, was inadequate, except on a few occasions, to procure the payment of the pensions and gifts promised by King Charles the Second from the royal exchequer, and Sir James dragged on a somewhat miserable existence in London, though frequently cheered by timely gifts from the earl. He was invited to spend the remainder of his life at Tynninghame, and on several occasions intimated his intention of accepting the offer. But he did not carry out this intention.[1]

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[1] State Papers, 1663; Letter by R. Mein to Henry Muddiman, 27th June; Burton's History of Scotland, vol. vii. pp. 163-167; Lauderdale Papers, Camden Society, vol. i. pp. 106-184; Acts of the Parliaments of Scotland, vol. vii. pp. 451, 452.

[2] Acts of the Parliaments of Scotland, vol. vii. p. 468.

[3] Lauderdale Papers, Camden Society, p. 198.

On the family estates proper the fourth Earl of Haddington did not effect any changes of note. His grandson, Thomas, sixth Earl, says that after the close of the civil war he tried to raise some trees, and planted two rows round the house and garden.[2] He sold the barony of Dalmeny, in 1662, to Sir Archibald Primrose for 160,000 merks, rather less than £9000 sterling. When he succeeded to the estates they were mortgaged to a considerable extent, and were also burdened with the jointures of two dowagers, the widows of his father and brother. In a state of his affairs prepared in 1652, his indebtedness by bonds is stated at 230,240 merks, of which the interest payable yearly amounted to 14,593 merks, 5s. 4d. The feus payable to the Crown were 2158 merks 11s., and pensions and annuities were 16,800 merks—in all a yearly outlay of 33,552 merks, 3s., or in sterling money of £1864, 0s. 2d., a not inconsiderable sum in those days. Besides this, the earl was under obligation to pay to his sister, Lady Margaret, on her attaining the age of sixteen years, the sum of 40,000 merks, of which obligation he cleared himself when he gave his sister in marriage in 1662 to Sir John Keith, knight marischal of Scotland, with a tocher of 15,000 merks, and made over to him the bond for £20,000 Scots granted by the Marquis of Huntly to Thomas, second Earl of Haddington, for the payment of the tocher of Lady Margaret's mother, which had not hitherto been paid.[3] Among the bonds referred to in the statement was one to Sir William Scott, which was consumed in the destruction of Sir William Scott's house by fire, but its tenor was afterwards proved before the court of session.

About the time the statement mentioned was prepared, several of the earl's estates were rendered partially unprofitable through the military operations between England and Scotland which terminated in the establishment of the Commonwealth. As has been already stated in the previous memoir, he, in these circumstances, made arrangements with his brother's widow to reduce her allowance. Through the complications which arose between that lady and her second husband, the earl was for a short time obliged to suspend payment of her annuity, which led her to raise an action against him before Cromwell's commissioners of justice to enforce payment. The earl, however, wisely arranged the matter by offering his sister-in-law a large sum of money in return for the renunciation of her annuity, which was accepted, and Lady Jean Gordon having died shortly before this was effected, he was relieved of two considerable burdens on the estate. Among the chamberlains on the earl's estates the names of two may be given, Mr. David Macculloch of Goodtrees, who was a trusted servant of his grandfather, the first earl, and Mr. John Drummond of Lennoch, who, says Lamont, in the summer of 1664 bought the estate of Megginch, in the Carse of Gowry, from the Hays, its ancient possessors. "It was a Witsondays bargaine."[1]

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[1] Correspondence in Haddington Charter-chest.

[2] Treatise on Forest Trees, by Thomas, sixth Earl of Haddington, 1761, p. 2.

[3] Contract of marriage, dated at Tynninghame, 11th February 1662; also discharge by Sir John Keith of Caskieben, after his marriage to Lady Margaret, for £10,000 Scots, dated 17th June 1663, in Haddington Charter-chest. The marriage took place on 24th April 1662, at Tynninghame [Session Records of parish of Tynninghame].

As formerly remarked, the earl's relations with his brother-in-law, the Scottish chancellor, John, Duke of Rothes, were close and intimate. They both interested themselves in the education of their two brothers-in-law, the sons of the Earl of Crawford, when that earl was imprisoned by the Commonwealth. As a letter from Rothes shows, the more direct interest was taken by the Earl of Haddington, who, at a later date, was informed by Sir James Hamilton of Redhall, in reply to his inquiries, that Lord Lindsay and Mr. Patrick Lindsay had been at Court, and had kissed the king's hands.[2]

As a member of the Privy Council, the earl, in 1666, subscribed a letter to the king narrating the result of the conflict of the royal troops with the army of the Covenanters at Rullion Green.[3] He was present at the meeting of parliament in Edinburgh, on 9th January 1667, and during its proceedings. When so engaged in Edinburgh he seems to have been accustomed to spend the interval from the Saturday to the Monday at Tynninghame. In a letter to the Earl of Lauderdale, Archibald, Earl of Argyll, states that he is "going out with E. Haddintone to returne on Monday."[4]

Little more is known concerning this earl. In the following year he arranged the marriage of his eldest daughter, Lady Margaret Hamilton, to John Hope of Hopetoun, father of the first Earl of Hopetoun, giving with her a dowry of 18,000 merks (£1000 sterling). The terms of the marriage contract were arranged in the Canongate of Edinburgh, on 4th December 1668,[5] and the marriage took place at Tynninghame on the 31st of the same month.[6] On 30th April 1669, with his countess and children and some relatives, the earl paid a visit to his father-in-law at Struthers, in Fife;[7] and on the 31st of August, in the same year, he died at his own house at Tynninghame.[8]

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[1] Lamont's Diary, p 172.

[2] Vol. ii. of this work, pp. 189, 190: 13th September 1659. Letter, dated London, 22d September 1664, in Haddington Charter-chest.

[3] Wodrow's History, Burns' edition, vol. ii. p. 34.

[4] Letters from Archibald, Earl of Argyll, to John, Duke of Lauderdale (Bannatyne Club), p. 73; Acts of the Parliaments of Scotland, vol. vii. p. 536.

[5] Contract of marriage, in Haddington Charter-chest.

[6] Session Records of the parish of Tynninghame.

[7] Memorials of the Family of Wemyss of Wemyss, by Sir William Fraser, K.C.B., vol. iii. p. 111. Struthers was the Fife residence of the Earls of Lindsay. Mr. Hill Burton, in his History of Scotland, supposed it was the fishing village of Anstruther.

[8] Lamont's Diary, p. 212.

He was survived by his countess, Lady Christian Lindsay, who was still alive in 1691. A number of letters by her to her factors are printed, and show that she possessed considerable business capacity.[1] After the death of her sister, Lady Elizabeth Lindsay, in January 1688, which was followed in the course of the same year by the death of Lady Elizabeth's husband, David, third Earl of Northesk, the Countess of Haddington wrote an affectionate letter to her young nephew, David, fourth Earl of Northesk, full of solid counsel, and declaring her intention to take charge of his sisters, by the dying request of his mother. They were six in number, and were educated and brought up under the superintendence of the countess.[2] By her, John, fourth Earl of Haddington, had four sons and eight daughters. They were—

1. Charles, who succeeded his father as fifth Earl of Haddington, and of whom a memoir follows.
2. Thomas, born in 1661, and baptized on 7th July of that year.
3. John, born in 1663, and baptized on 31st October of that year.
4. William, born in 1669, and baptized on 17th February of that year. These three sons last named appear to have died young, as no further notices of them have been found amongst the family muniments.

The daughters were—

1. Lady Margaret, who married on 31st December 1668, John Hope of Hopetoun, father of the first Earl of Hopetoun. He was drowned while coming to Scotland with the Duke of York on 5th May 1682. He was survived by Lady Margaret, who died in December 1711, and was buried at Tynninghame. Besides a son, Charles, who was created Earl of Hopetoun, she left also a daughter, Helen Hope, who, marrying her cousin, Thomas, sixth Earl of Haddington, became Countess of Haddington, and will be afterwards referred to.
2. Lady Catherine, born on 8th December 1652, and baptized on the 10th of that month.
3. Lady Anna, who was baptized on 20th December 1653. Both she and Lady Catherine appear to have died young, as no further notices of them have been found amongst the family muniments, and their younger sister, Helen, is called the second daughter.
4. Lady Helen, born in 1655, and baptized on 28th June of that year. She married (contract dated 5th July 1677) William Anstruther, eldest son of Sir Philip Anstruther of Anstruther, knight, who became a lord of session and a privy councillor. Her tocher was 22,500 merks (£1250 sterling), and in the

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[1] Vol. ii. of this work, pp. 197-200.

[2] History of the Carnegies, Earls of Southesk, by Sir William Fraser, K.C.B., vol. ii. pp. 373, 374.

contract she is called second lawful daughter of the deceased Earl of Haddington.[1] She left issue.

5. Lady Susanna, baptized on 28th July 1657. She married (contract dated at Tynninghame, 13th March 1679) Adam Cockburn of Ormiston, who was also a lord of session and lord justice clerk. Her tocher was the same as her sister's.[2] She left issue.
6. Lady Christian, who was baptized on 21st July 1659.
7. Lady Elizabeth, who was baptized on 24th December 1667.[3] Both she and Lady Christian are mentioned as deceased in the marriage contracts of their sisters, Ladies Helen and Susanna, whose tochers of 18,000 merks, as primarily arranged, were augmented by a share of the provision made to their sisters, amounting in each case to 4500 merks.
8. Lady Mary, who is mentioned in a letter from her mother about 1686 in connection with the annualrent of her tocher of 22,500 merks, which for one period she gave up during the arrangement of the affairs of her nephew, the sixth earl, in consideration that she had been alimented in the family of her brother, Charles, fifth earl.[4] As no further notice of Lady Mary has been found, she appears to have died unmarried.

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[1] Contract of marriage, in Haddington Charter-chest.

[2] Contract of marriage, *ibid.*

[3] Session Records of the parish of Tynninghame.

[4] P. 240 *infra*; vol. ii. of this work, p. 199.

Hadinton

Chrestin Lindesay

XIV.—CHARLES, FIFTH EARL OF HADDINGTON.

LADY MARGARET LESLIE, COUNTESS OF ROTHES, HIS WIFE.

1669—1685.

CHARLES, fifth Earl of Haddington, was born in or about the year 1650. During his father's life he bore the courtesy title of Lord Binning. He probably received his education at one of the Scottish Universities, as was then customary with the sons of noblemen and gentlemen, and at the close of his curriculum in 1665 seems to have travelled to London, and thence to France, with the son of the Earl of Middleton. At least, his father's intention was to have sent him thither. But the plague was raging at the time in London, and this may have altered his resolution.[1] Before Lord Binning attained his majority, his father died in 1669, when he succeeded to the family estates and honours.

Early in the following year Lord Haddington was served heir to his father in the family estates in the counties of East, West, and Mid Lothians, Berwick, Peebles, Selkirk, Roxburgh, Lanark, and Fife.[2] Later, he took his seat in parliament, when it met at Edinburgh on 22d July 1670, and he was also present at its meetings in June 1672 and November 1673.[3] In the year last mentioned he matriculated his armorial coat in the Records of the Lyon king of arms, who was then Sir Charles Erskine of Cambo.[4]

On 8th October 1674 Charles, Earl of Haddington, married Lady Margaret Leslie, the elder daughter of John, sixth Earl, afterwards Duke, of Rothes, and then chancellor of Scotland. The marriage took place at Leslie, in Fife, the residence of the bride's father, where, on the previous day, the terms of the marriage contract were arranged. The issues of this marriage were important. Provision was made in the contract for Lady Margaret Leslie being the probable inheritor of her father's earldom of Rothes, in which case the eldest son of the marriage was to succeed to the Rothes earldom, and the second son to the earldom of Haddington, so that neither title should be extinguished. If there were only one son, he was to assume the surname of Leslie; and arrangements were also made for the continuation of the succession through daughters if there were no sons. In the case of the succession of two sons to Rothes and Haddington respectively, the younger was to repay to his elder brother the 40,000 merks of tocher given by John, Earl of Rothes, with his daughter, and it was then to be bestowed upon her younger sister, Lady Christian Leslie. As her liferent lands, Lady Margaret was provided by Earl Charles in the barony and castle of Byres, with a free annuity of 9000 merks. Among the friends and relatives present upon the occasion were David, second Earl of Wemyss, Lords Lindsay, Newark, and Rosehill, and the lairds of Keithhall, Stevenston, Balcaskie, Pitfirrane, and Balbedie.[1] The laird of Weem (Menzies) was also invited by the Earl of Rothes to be present at Leslie, on the 6th October, "for," he says in his letter, "the morrow after, I intend to marry my daughter to the Earle of Haddingtoune."[2] In his new relationship as son-in-law to the chancellor, the Earl of Haddington was the recipient of frequent letters from him, some of which are humorous and characteristic. From allusions in the letters, it would seem that the chancellor and the earl were such jovial companions when they did meet, that the Countess of Haddington made it her endeavour that they should see one another as seldom as possible.[3] Bishop Burnet, who was for some time (1665-1670) parish minister of Salton in East Lothian, says of the Duke of Rothes, "He was unhappily made for drunkenness. For as he drank all his friends dead, and was able to subdue two or three sets of drunkards one after another, so it scarce ever appeared that he was disordered; and after the greatest excesses an hour or two of sleep carried them all off so entirely that no sign of them remained."[4]

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[1] Vol. ii. of this work, p. 191.

[2] Inquis. Retor. Gen., under date 24th February 1670.

[3] Acts of the Parliaments of Scotland, vol. viii. p. 3, Appendix 1, 10, 26.

[4] Extract from Lyon Court Books, in Haddington Charter-chest.

In terms of the marriage contract, Earl Charles, in 1678, made resignation of his whole lands and estates for new infeftment of himself and the heirs of his marriage with Lady Margaret Leslie. Failing heirs-male of this and any other marriage, then the daughters successively, without division, and their heirs male and female, as above, daughters always marrying gentlemen of the name of Hamilton, or such as would assume the surname and bear the arms of Hamilton. Failing heirs of his own body, the earl destined the succession to his four sisters and their heirs as above, and failing them, to his aunt, Lady Margaret Hamilton, Countess of Kintore, and then to Sir James Hamilton, son of the deceased Sir James Hamilton of Priestfield. Provision was made that if the daughters of the earl and Lady Margaret succeeded to the earldom of Rothes they should assume the surname of Leslie, and carry the arms of both Rothes and Haddington in a quartered coat, those of Rothes always taking the chief place, and this without incurring the irritancy with reference to Haddington.[5]

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[1] Contract of marriage, in Haddington Charter-chest.

[2] Report on Muniments of Sir Robert Menzies, Bart., by Historical MSS. Commission, in Appendix to Sixth Report, p. 700.

[3] Vol. ii. of this work, pp. 194, 195.

[4] History of his own Time, ed. 1833, p. 188.

[5] Procuratory of Resignation, dated 26th March 1678, in Haddington Charter-chest.

In political affairs Charles, Earl of Haddington, did not take any very prominent part. In fact, he was not in sympathy with the government of the country as carried on by the Duke of Lauderdale and Archbishop Sharp, even though their measures were cordially supported by King Charles the Second himself. He formed one of "the party" originated about 1674, by the chief of the Hamiltons, William, Duke of Hamilton, for the purpose of ousting Lauderdale from the favour both of the people and the prince, and consequently from office. The sympathies of the chancellor, Rothes, also were with "the party," though, on account of his high position, he was more reserved in his manifestation of them.

The sending down of the highland host in the close of the year 1677 to enforce upon the presbyterians of the west of Scotland the taking of "the Bond," aroused "the party" to great exasperation. This "bond" was a document which all landowners were required to sign, and which obliged them, under considerable penalties, that not only they, their wives and children, but also their servants and cottars, would not absent themselves from the ordinary diets of worship in their respective parish churches, nor have baptisms nor marriages celebrated by any other than legally authorised ministers, and that they would not attend conventicles in houses or fields. The penalties were exigible on every several offence. Throughout the country the landed gentry demurred to bind themselves for those they could not control, and the highland host was let loose upon the south-west of Scotland, to force the heritors and liferenters in the parishes visited to give the bonds for themselves and their tenants that were demanded.[1]

This measure, however, failed to effect its object, and new proclamations were issued by the Privy Council on March 13th, 1678, enforcing it anew. The heritors of the county of Haddington were ordained to meet for the purpose of taking the bond at Haddington on the 20th. Lauderdale was present at the meeting, and set the example of signing it, as he had done four times already; but though there were then upwards of a thousand heritors in East Lothian, not more than sixty would take it. The Earl of Haddington was resolute against it, and towards the end of the month of March he joined the Duke of Hamilton in a deputation to Court, to complain of this and other oppressive measures. A number more of the nobility went with them; and this was done notwithstanding a proclamation prohibiting any leaving the kingdom without permission. They refused to ask the consent of the Council; but as soon as their object was seen Lauderdale despatched the Earl of Moray and Sir James Foulis of Colinton to pre-engage the ear of the king. So effectually was this accomplished that Moray was able to write to Lauderdale from Whitehall on April 9th:—

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[1] Burnet says that the non-compliance of the landed proprietors "put Duke Lauderdale in such a phrenzy, that at council table he made bare his arms above his elbow, and swore by Jehovah he would make them enter into those bonds." [History of his own Time, ed. 1833, vol. ii. p. 137.]

> Sins my last to your grace, Duck Hamilton, the Earls Roxbourhe, Hadingtoune, and Lord Cochrin arryved hear upon Sunday afternoon. I uent emediatly to the kinge and acquented him withe it; he sayd he would not see any of them, bot would appoint some to hear uhat thy had to say. Yisterday I uent uithe my Lord Maenard to the chansler. I found the Marquis of Atholl and others had bene misinforminge him uhat thy could. He tould me all thy had said: to which I replyed, and gaue him full satisfaction. He sayd he thought the kinge would appoint some to hear uhat thy sayed; bot iff he found them correspondinge uithe the Frenshe ambassadors, or any of the Houss of Commons, he uould taek sever courssis; iff not, he thought he uould returne them to the Councill of Scotland, and recommend them to be used uithe as mutch lenety as might consist uithe the peace and safety of the church and kingdom. . . .[1]

The English Commons were in great part at this time dissatisfied with the king, and listened eagerly to the complaints of the Scottish lords; for they, undeterred by the king's threats, freely communicated with the English legislature. Their mission was the subject of debates in the House of Commons, and it was to the pressure which that House brought to bear upon the king that the deputation owed the reception and audience given to any of their number at all. The Duke of Monmouth, however, was commissioned by the king to wait upon them, and their representations made a favourable impression upon him, so that he befriended them when possible. But it was pointed out to the king by Lauderdale's friends, and others of the Scottish Council, who were summoned up later, that if he countenanced the representatives of "the party" at all, it would be interpreted by the Scottish people as condemnatory of the Council and its policy, and would destroy their influence for the maintenance of his authority. Burnet says that Charles was brought to the conviction that "Lauderdale's head was turned. Yet he would not disown, much less punish, him for what he had done. But he intended to put Scotland in another management, and to set the Duke of Monmouth at the head of it."[2] The Council begged earnestly, through their emissaries at Court, that the Scottish lords of "the party" should be sent down to them to be dealt with as criminals. But Charles declined to do so, though he treated them ungraciously. Lord Haddington and the larger part of the deputation were never admitted to his presence. Yet their errand was certainly far from fruitless, though comparatively little was immediate. One achievement was the concession of a meeting of the Estates, to attend which they left London in the end of May, when their stay there could do no further good. Writing on 30th May to Lauderdale, Moray says: "The Earles Crafurd and Haddingtoune uent auay this morninge, and they are now every day droping auay."[1]

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[1] The Lauderdale Papers, Camden Society, vol. iii. p. 107.

[2] History of his own Time, ed. 1833, vol. ii. p. 139.

The earl attended the convention of the Estates, which took place at Edinburgh, on 26th June, and subsequent days, when his precedency on the roll was taken exception to by the Earl of Lothian.[2] He supported the Duke of Hamilton in his proceedings during the Convention, the duke acting the part of the leader of the opposition. But Lauderdale had taken precautions during the elections to provide himself with an ample majority.[3]

A brief record of the domestic economy of the earl's household about this period is afforded by a Household Book kept at Tynninghame, probably by the butler, which contains a record of the daily and weekly consumption of meat and drink. The amounts spent weekly on these vary from £6, 5s. 2d. Scots to £889, 14s. 6d. Scots, which was the sum expended during "the mariage week,"—the week ending Tuesday, 18th March 1679,—during which the nuptial festivities consequent on the marriage of the earl's youngest sister, Lady Susanna, to Adam Cockburn of Ormiston, took place. The Household Book, which extends over the period from September 1678 to November 1679, mentions the arrival of visitors of note, and, as is to be expected, the entries indicate that the laird of Ormiston was a frequent visitor at Tynninghame during the months preceding his marriage. Cockburn was at the time commissioner to parliament for the county of Haddington.

The entries respecting the movements of Lord and Lady Haddington, and of the coming and going of their visitors, with any other notes of matters of importance, may be here given in diary form:—

	1678.		
Munday,	September	2.	Sir Andrew Ramsay, Mr. Hary Kerr, and Mr. Bisset dynd.
Wensday,	,,	4.	Humbie, Young Gosford, and Sir Andrew Ramsay stayed.
Thursday,	,,	5.	Humbie, Young Gosford, Sir Andrew Ramsay, my lord Dirrilton and his ladie, Ormiston, and Captain Home dyned.
Fryday,	,,	6.	Humbie and the rest went away.
Munday,	,,	9.	Dunglas stayed all night.
Wensday,	,,	11.	Lochend and his ladie and Spott dynd.
Fryday,	,,	13.	My lord went to Fyff.
Munday,	,,	16.	My lord and ladie Roxburgh, my lord Yester, my ladie Tweddall, Ladie Jean Kerr, and Ladie Jean Hay and Mr. Hay dynd.

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[1] The Lauderdale Papers, Camden Society, vol. iii. pp. 107-152, 246.

[2] Acts of the Parliaments of Scotland, vol. viii. pp. 214, 215.

[3] The Lauderdale Papers, Camden Society, vol. iii. p. 249.

	1678.		
Satirday,	September	28.	My lord chancelor cam, and my lord Lindors and Drummeller and Captain Home.
Munday,	„	30.	They went away.
Teusday,	October	8.	Randiston and several others stayed.
„	„	15.	Mr. William Kerr and Captain Home stayed.
Munday,	„	21.	Roxburgh, Sir James Hay, and Captain Home dynd.
Teusday,	„	22.	Blackbarony, Sir Robert Sinclair, and Craigmiller dynd.
Munday,	„	28.	Gilmertoun and his ladie, and Master of Balhaven dynd ; Steinstoun and his ladie cam.
Fryday,	November	1.	Earle of Crauford and Kilburne stayed.
Thursday,	„	7.	My lord went to Edinburgh with my lord Crauford.
Satirday,	„	9.	My ladie Rothes cam and Ladie Christian.
Satirday,	„	16.	My lord Crauford and Ormiston stayed, and Captain Home.
Teusday,	„	19.	Ladie Lochend dynd.
Wensday,	„	20.	My lord Crauford went away.
Sonday,	„	24.	Doctor Burnet and Doctor Sincklar.
Munday,	December	2.	My lord and my ladie went to Edinburg.
Thursday,	„	5.	Steinston and Ormistoun cam.
Teusday,	„	10.	Ormiston went away.
„	„	17.	Ormiston, Humbie, and Mr. Hay stayed.
Fryday,	„	20.	Steinston and Randirston cam.
Teusday,	„	24.	Sir Andrew Ramsay and Mr. Seatone dynd and stayed all night.
(Wensday,	„	25.)	Smyton and Beinston suped.
Thursday,	„	26.	Sir Robert Sincklar and Arniston stayed.
Fryday,	„	27.	Arniston stayed.
	1679.		
Sonday,	January	12.	Lady Smyton dynd ; Doctor Rule stayed.
Fryday,	„	17.	Stinson dynd ; my lord, my lady, and Ormiston cam from Edinburgh.
Munday,	„	20.	Congilton, Smiton, Craig, Mr. William Broun, and severalls dynd.
Teusday,	„	21.	Daik stayed.
Thursday,	„	23.	Baldoun and his lady and ane other gentilman stayed.
Satirday,	„	25.	Baldoun and his lady went away.
Munday,	„	27.	My lord Crauford and Ormston stayd.
Sonday,	February	2.	My lord chancelor and his ladie cam.
Wensday,	„	5.	My lord and the Countess Dowager went to Edinburgh.
Thursday,	„	6.	My lord Crauford and my lady stayed.
Satirday,	„	8.	My lord cam home.
Munday,	„	10.	Mr. Reull stayed.
Thursday,	„	13.	My lady Steinston cam.
Fryday,	„	21.	Captain Hom stayd.

	1679.		
Munday,	February	24.	Mr. William Kerr and Newbaith stayed.
Satirday,	March	1.	My lord Kintor and Humbie stayed.
Sonday,	„	2.	My lord Kintor and Humbie stayed.
Munday,	„	3.	My lord Kintor and Humbie stayed.
Tuesday,	„	4.	My lord Kintor and Humbie went away.
Satirday,	„	8.	Enster and his lady cam.
Wensday,	„	12.	My lady Rothes and severall persons cam.
Teusday,	„	18.	Humbie and Randirston stayed.
Munday,	„	24.	Master of Balheaven and Ruchlay dynd; Pilton and his lady stayed.
Teusday,	„	25.	Sir Robert Sincklar stayed.
Thursday,	„	27.	Steinston and his lady dynd.
Fryday,	„	28.	Newbaith dynd.
Munday,	„	31.	Mr. William Kerr, Mr. David Hay, and Newbaith dynd.
Wensday,	Apryle	2.	My lord and my lady Dowager went to Ormston.
Wendsday,	„	9.	Enster went away.
Sonday,	„	13.	Steinston and Daik dynd.
Munday,	„	28.	Mr. Hary Hay, Mr. Oswald, and Da. Symson.
Wensday,	„	30.	Lady Humbie, hir daughter, and Lady Randirston cam to super, and Bancreiff.
Thursday,	May	1.	Lady Humbie went away and Bancreiff.
Fryday,	„	2.	My Lady Dutches of Hamilton stayed. Humbie, Sir Daniell Carmichall and severalls stayd all night.
Satirday,	„	3.	Duke Hamilton, Lord Carmichall, Master of Beill, Sir William Hamilton and others cam.
Fryday,	„	9.	My lord chancelor, Mr. Francis Montgomry and Sir William Ker stayed.
Satirday,	„	10.	My lord chancelor went away.
Thursday,	„	22.	My lady cam home.
Munday,	„	26.	My lord Gosford and his sone dyned.
Fryday,	„	30.	My lady Murray, my lady Doun, and my lord Lorne cam.
Satirday,	June	7.	Humbie went away.
Wensday,	„	11.	My lord went to Edinburgh.
Fryday,	„	27.	My lord cam home from the west.
Fryday,	July	4.	My lord and Ormston cam home.
Satirday,	„	5.	Duk of Monmouth servants cam.
Munday,	„	7.	Duke of Monmouth, 3 marquiess, 13 earles, and many gentillmen cam and dyned.
Teusday,	„	8.	My lord chancelor, my lord Morton, Humbie, and some others stayed.
Wensday,	„	9.	My lord chancelor went away.
Thursday,	„	10.	Mr. Francis Montgomry cam.

	1679.		
Satirday,	July	12.	My Lady Rothes and Steinston and his lady cam.
Munday,	„	14.	My Lady Rothes went away.
Wensday,	„	16.	Randirston stayed all night.
Thursday,	„	17.	Jon Ross went out brydgroome.
Munday,	„	21.	Major Towrs stayed.
Teusday,	„	22.	Major Towrs stayed.
Thursday,	„	24.	My Lady Rothes cam.
Satirday,	August	16.	Newbaith and his lady dyned.
Munday,	„	18.	My lord chancelor cam heire.
Thursday,	„	21.	My lord's sone was baptised.
Munday,	„	25.	My lord chancelor went away. Humbie cam and stayed.
Wensday,	„	27.	My lord went to Edinburgh and Humbie went away.
Satirday,	September	13.	Lochend and his lady, Lady Barnbugall, Mr. Francis Montgomry, and severall others dynd.
Teusday,	„	16.	Kilburnie, Steinstoun, and Gilmerton dynd.
Wensday,	„	17.	My lady Kilburnie cam, and Steinston and his lady dynd.
Thursday,	October	2.	My lord cam home from the west.
Munday,	„	6.	Steinston dynd.
Wensday,	„	8.	My lord went to Edinburgh.
Monday,	„	13.	My lord Balheaven and Presmenen dynd.
Thursday,	„	16.	My lord and my lady went to Fyf.
Satirday,	„	18.	Salton dynd.
Thursday,	„	23.	Randirston dynd and Ormston's brother.
Satirday,	November	1.	My lord Dirilton and his lady dynd.
Munday,	„	3.	Doctor Rule stayed all night.
Teusday,	„	4.	Newbaith, his mother-in-law, and his lady cam.
Wensday,	„	5.	My lord and my lady cam hom.
Satirday,	„	8.	Newbaith dynd.

The arrangement of the book is such that on the same page are displayed the preparations made for the table, the cost of the purchases, the actual amount consumed, and what was left over for future consumption. The special preparations made during the time of the marriage of Lady Susanna will afford an example of these.

Teusday, March 11.

				Spent to diner.		Over.
(Brought forward)	83	09	04			
For 500 oysters at 10s. a 100, ...	02	10	00	Fresh beiff, .	1	35
For a wild duke, ...	00	06	08	Beiff al la mod, .	2	33
For 40 mure foull from Ja. Litill Jon, . .	24	00	00	Muton, . .	2	09
For 20 pertridgs at 8s. a peice, ...	08	00	00	Hard fish, .	2	106
For 3 heath hens and a black cock, . . .	03	04	00	Salt beiff, . .	2	74
For 46 toung and lure at 10s., ...	23	00	00	Foulls, . .	3	66

		Spent to diner.		Over.
For 18 drye toungs at 10s.,	09 00 00	Super muton,	2	07
For 21 marrow bons at 5s.,	05 05 00	Foulls,	3	63
For 37 pound of larde at 13s. 4d. each pound,		Aill,	6 gall.	182
bones and all,	24 00 00	Rolls,	54	17
For 30 dusen of apells at 5s. 6d. each dusen,	08 05 00	Loaves,	68	32
Entred ane weder in 8—61.				
For 6 gryses at 16s. a peice,	04 16 00			
For 2 wild duks,	00 06 08			
For 13 pertridgs at 6s. 8d.,	04 06 08			
For 13 at 8s. a peice,	05 04 00			
For 4 hams at the pound,				

Wensday, March 12.

		Spent to diner.		Over.
For 4 pynts of milk,	00 06 08	Fresh beiff,	1	32
For 2 pecks of cockells,	00 18 00	Muton,	2	05
For 180 egs,	01 06 10	Hard fish,	2	104
For a pound of anchovis and a can,	04 17 04	Salt beiff,	1	73
My Lady Rothes and severall persons cam.		Foulls,	3	60
For 12 paire of rabets,	08 00 00	Rabets,	2	06
Entred of rolls 100.		Super beiff,	1	31
And of loaves 400.	137 12 10	Veill,	2	00
2 weders in 16, rests—59.		Muton baken,	2	19
		Turkies baken,	1	17
		Turkies rost,	1	16
		Fricassie of foulls,	3	57
		Muton rost,	2	17
		Muton collops,	3	07
		St. Custart,	1	
		Foulls,	4	53
		Rabets,	3	27
		Dukes,	3	52
		Pertridgs,	6	40
		Hams,	1	
		Aill,	9 gall.	173
		Rolls,	80	37
		Loaves,	88	343

Thursday, March 13.

		Spent to diner.		Over.
For 2 veills,	07 00 00	Fresh beiff,	2	45
For 18 trouts in 2 [dishes],	00 09 00	Veill,	2	14
For 12 lapsters,	01 16 00	Muton legs,	2	32
For ane weder in 4,	06 13 04	Rost beiff,	1	44
For 18 hens at 7s. a peice,	06 06 00	Fricassie of foulls,	3	68
For 22 chikens at 30d. a piece,	02 13 00	Muton collops,	1	20

		Spent to diner.		Over.
For 4 weders from Smiton in 16,	26 13 04	Foulls,	4	64
For 10 paire of rabets,	06 13 04	Rabets,	3	44
For a boll and a halfe of salt,	02 10 00	Dukes,	3	49
For cariadge,	00 12 00	Spent to super.		
For 12 whyt capes at 5s. a peice,	03 00 00	Fresh beiff,	6	38
For 200 egs,	01 13 04	Lambs, 1 and a half,		1 half
For ane lamb,	05 10 00	Pork,	2	19
For 2 other lambs at 4 lib. a peice,	08 00 00	Veill,	7 legs,	07
For 6 salmont at 11s. a peice,	03 06 00	Muton,	11	13
For cariadge of them from	01 10 00	Turkies,	3	16
For ane veill at 5 lib., 10s.,	05 10 00	Fowlls,	24	40
For ane veill at 4 lib., 10s.,	04 10 00	Rabbets,	12	32
For ane carcass of beiff in 16,	22 00 00	Duks,	16	33
For bitterats and cariadg of them, and two lambs		Murefoull,	16	24
and 6 gryses,	01 12 00	Pertridgs,	24	16
For 1800 oysters at 12s. 100,	10 16 00	Heath foulls,	4	00
For 4 dusen of dows at 18s.,	03 12 00	Foulls to super,	5	35
From Smiton 3 turkies.		Hams,	6	02
Entred of malt 11 bolls.	132 05 04			

Then special events linger in the book, and are referred to as date-marks, as on 22d July 1679 there is a payment "For 4 solen geis and cariadge, £06.06.00, and 6 solen geis that was got when Duk of Monmouth cam and cariadge, £09.06.00." Again, on 3d August following, £06.17.00 was paid "For 3 pynts, a mutchkin and 3 gills of seck from Mrs. Seaton, that was got when Duke of Monmouth was heire"; and on 22d August there is a further payment of £40.06.08 "For confections that was got when the Duke of Balclugh was heir, and tent and maligo." So with the visit of the Duke of Hamilton. On 18th September, fully four months after the duke was at Tynninghame, there is a payment of £16.00.00 "For 16 pynts of brandy from James Ossburne at 20s. ane pynt, which was got when Duke Hamilton cam to Tynningham in May last." Another such event was the baptism of the earl's first-born son, John, afterwards Earl of Rothes, for which, on 18th August, preparations were being made, when there was "Entred ane peice of claret wyne from Ja. Smyth, and peirced the nixt day for the christining." Smith was one of the bailies of Dunbar, and was paid, on 8th November, £060.00.00 for this "puntion of claret," which had been got "when my Lord Bining was christened."[1]

As this household book bears, Tynninghame was honoured by a visit from the Duke of Monmouth. When in London the Earl of Haddington had become acquainted with the duke, whose courteous and affable bearing won him general esteem. With the lords of "the party" he was especially in favour, because he extended his sympathy to them, and showed open displeasure at the measures taken by Lauderdale. After the defeat of the royalist troops by the Covenanters at Drumclog, the Duke of Monmouth was sent from England to take command of the Scottish army, in which capacity he inflicted a severe defeat on the Covenanters at Bothwell Bridge. This took place on 22d June 1679, and it was on 7th July following that the duke, attended by three marquises, thirteen earls, and many gentlemen, dined with the Earl and Countess of Haddington at Tynninghame. After the duke came to Scotland there were rumours of impending changes in the government, and among these was a report that the earl was to be made a privy councillor.[1] But if there was such an intention (quite a probable one under the expected *régime* of Monmouth), it was overturned by the recall of the duke in favour of the king's brother, James, Duke of York, who was sent to Scotland in the close of the same year, and again in 1681, as commissioner to the Scottish parliament held in Edinburgh in July of that year.

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[1] Household Book at St. Mary's Isle, Kirkcudbrightshire. Charles, fifth Earl of Haddington, was grandfather of the Hon. John Hamilton, who was father of Helen, Countess of Selkirk, the grandmother of Lady Isabella Helen Hope, wife of the Hon. Charles Hope.

The Earl of Haddington was present at, and took part in, the proceedings of this meeting of parliament.[2] With Lord Blantyre, and several others, who were not upon "the articles," he claimed the right of being present at the meetings of that committee, of hearing the reasoning and voting, and of having both a deliberative and consultative interest, though he did not pretend to a decisive vote. The claim was not made on private, but on public grounds, and was based upon previous custom as well as on a clause of an unprinted act of parliament of 1662, in which were set down the orders of the Parliament House. The claim was not at once admitted, and though it was promised a hearing from time to time, it was continually postponed, until the complainers were wearied out with the delay, and their hopes were ended by the adjournment of the parliament.[3]

It was at this meeting of the Estates that the oath of allegiance, known as "The Test," was imposed on every person holding office of whatever kind, down to schoolmasters, and the rank and file of the army. "The test," says Burton, "was drawn with cunning subtlety." It was meant to strike deep and fix immutably in the Scottish constitution the once fiercely repudiated doctrine of the divine right of the king and his supremacy in all causes. Several of the Scottish nobles, and even such as were not suspected by the government of "fanatical" principles, refused to take this oath, the terms of which were contradictory with one another. Both the Earl and Countess of Haddington were of those who declined it. By the death of John, Duke of Rothes, her father, the Countess of Haddington had succeeded to the earldom of Rothes and the hereditary sheriffship of Fife, and the Earl of Haddington was called before the Council and questioned by them about this. Being asked if the right of shrievalty, or sheriffship of Fife, was heritable, the earl replied that he was so informed, but he had not yet obtained inspection of the writs. These, it would appear, were being withheld, and the earl had already presented a petition to the Council craving that they would ordain that the charter-chest and writs in the hands of the widow of Mr. John Bayne of Pitcairlie, and others, should be delivered up to him. Opposition was offered to this petition by Lord Lindores, as the nearest heir-male of the late chancellor. But on calling for the entail, and finding that Lindores was "very remote," the Council decided that he had no interest in the matter. As the object of the Council in questioning the earl about the sheriffship was to know on whom they should impose the test in respect of that office, they instructed him to intimate to the countess that neither she, nor any in her name, could hold any sheriff court, until she took the test. Referring to this Wodrow says: "The parliament, in one of their acts, as we have seen, except the heirs of the duke from some hardships of this nature, yet the Council urge this excellent lady, who scarce had a parallel for religion and every good thing in her age, with this oath, as what they kuew she would never take, that the offices might fall into the manager's hands."

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[1] Wodrow's History, etc., vol. iii. p. 172.

[2] Acts of the Parliaments of Scotland, vol. viii. p. 231.

[3] Historical Notices of Scottish Affairs, by Sir John Lauder of Fountainhall, p. 314.

The consequence of their refusing the test was that the countess was deprived of the office of the sheriffship of Fife, which was conferred upon the Earl of Balcarres;[1] and the earl was deprived of his office of keeper of the park of Holyrood-house, which was farmed out to others by the exchequer. The earl had acquired this office of keeper of Holyrood Park from his relative Sir James Hamilton of Priestfield, who, likewise refusing the test, was, with the earl, deprived of any right he may have retained therein. Another deprivation was that of being one of the masters of the game. To this post the earl had been appointed for a period of three years on 2d March 1680. But on 9th June 1682 the act of appointment was revoked, presumably, as Lord Fountainhall thinks, with the intention of superseding the earl, Sir John Maitland, and several others. Besides this, the refusal of the test rendered the earl incapable of filling any of the offices of state, which, however, there is reason to believe he and his countess must have regarded rather with feelings of relief than otherwise.[2]

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[1] It was, however, apparently only the present exercise of their hereditary right of sheriffship of which the earl and countess were deprived, as in 1685, when the bounds of the sheriffdom of Kinross were enlarged by Act of Parliament out of those of Fife and Perth, the consent of the earl and countess was previously obtained, and thus their interest and right were acknowledged. [Acts of the Parliaments of Scotland, vol. viii. p. 488.]

[2] Historical Notices of Scottish Affairs, by Sir John Lauder of Fountainhall, pp. 330, 360, 409; Wodrow's History, etc., vol. iii. pp. 300, 359, 390.

Indeed, so insecure had life, liberty, and property become in Scotland that, as Hume says, "Any condition seemed preferable to the living in their native country, which, by the prevalence of persecution and violence, was become as insecure as a den of robbers."[1] Lord Haddington and others came to the resolution that the best they could do was to expatriate themselves. Their proposal was to found a settlement at Carolina, in North America. The prime promoters of this scheme were Sir John Cochrane of Ochiltree and Sir George Campbell of Cesnock, who entered into a contract with the lords proprietors of Carolina for a territory composed of thirty-two square plots of ground, each containing twelve thousand acres, at a rent of one penny an acre; and among those who adhibited their names to the contract were the Earls of Haddington and Callendar, Lords Yester and Cardross, Sir Patrick Home of Polwarth, with George Lockhart and Alexander Gilmour, Archibald Cockburn and Archibald Douglas, advocates. Each of the undertakers pledged themselves to pay £10 sterling to Sir Robert Baird, the cash-keeper, before 1st October 1682. They sent Sir John Cochrane and Sir George Campbell to London to obtain the consent of the king to the enterprise, and this they got, Charles writing to the Privy Council to give its promoters their encouragement. But before the proposal was carried into effect discovery was made of plots against the life of the king and his brother, the Duke of York and Albany, in which some of those who had embarked in the Carolina settlement appear to have been implicated, so that the project was at once put an end to.[2] It was probably in connection with this matter that in October 1684 a rumour obtained currency in London that the Earl of Haddington, and some other Scottish nobles, had been arrested and imprisoned.[3] But there does not appear to have been any real foundation for the report.

The earl was involved at one time in litigation with the town of Haddington respecting the right of presentation of a minister to the second charge of that town. During the years 1675 and 1676, he had some correspondence with Alexander Young, then bishop of Edinburgh, relative to the filling up of that church, then vacant, and when, after considerable delay, the earl presented Mr. James Foreman to the cure, exception was taken by the provost of Haddington and certain heritors to the earl's right to exercise the patronage.[4] He, however, persevered in the presentation, and the bishop gave collation; and when the objectors carried their case to the court of session it was decided in favour of the earl, on 18th November 1680.[5] During the dependence of the case a vacancy occurred by the death of the minister of the first charge, when the earl was importuned by John Paterson, bishop of Galloway, to present one of his nominees to the parish.[1] But the earl was otherwise minded, for, after conferring the first charge upon Mr. Foreman, he exercised his right of patronage to the second charge in favour of Mr. James Gray. The admission did not take place until after the decision of the lords of session, but the presentee, being likeminded with his patron in refusing to take the test, was deprived of his charge within the space of a year.[2]

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[1] History of England, ed. 1796, vol. v. p. 255.

[2] Wodrow's History, etc., vol. iii. pp. 368, 369.

[3] Letter to Lord Preston, 16th October 1684. Appendix to Seventh Report by Historical MSS. Commission, p. 377.

[4] Vol. ii. of this work, pp. 191-193.

[5] Historical Notices of Scottish Affairs, by Sir John Lauder of Fountainhall, p. 395.

While resident at Tynninghame, the earl gave much attention to his own estates by enclosing, planting, and draining his lands. He does not appear either to have added to them by purchase, or to have diminished them by sales. Yet, owing in large measure to the state of the times, he left them at his death heavily encumbered with debt, a portion of which however, it is just to observe, he inherited. A considerable number of the bonds and obligations granted by him were dated between the years 1681 and 1685. After the death in July 1681 of John, Duke of Rothes, his father-in-law, and the succession of his countess to the Rothes estates as Countess of Rothes, the Earl of Haddington resided chiefly at Leslie House, the mansion of the Rothes family in Fife. The Rothes estates were extensive, and portions of them were situated in the counties of Fife, Forfar, Perth, Inverness, Elgin, Aberdeen, and Kincardine. Being thus widely separated in seven counties, the arrangement of the feudal title of the countess as heir to her father required more than ordinary care.[3] The funeral of the Duke of Rothes was said to be the largest and most extravagant ever known in Scotland. It is described as being of the greatest magnificence and solemnity that could be devised. So great indeed was the crowd who attended it from Holyrood to Leslie church, in Fife, that the cortege extended for several miles along the north side of the Forth before the final portion had crossed from Leith, the place of embarkation of the corpse. This pomp is traditionally reported to have nearly ruined the Rothes family.[4] Pecuniary obligations to the amount of fully £68,000 Scots were contracted by the Earl of Haddington soon after the funeral of his father-in-law; and these obligations confirm the traditional embarrassment caused by the extravagant funeral. The earl had also some correspondence with James, Earl of Airlie, in reference to the lands of Balbougie, the superiority of which was vested in him.[5]

Lord Haddington was consulted by William, Duke of Hamilton, respecting the marriage of his grace's eldest daughter, Lady Catherine Hamilton, to John, Lord Murray, afterwards first Duke of Athole. In a letter to the chancellor, George, Earl of

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[1] Vol. ii. of this work, p. 193.

[2] Scott's Fasti, vol. i. pp. 313, 314.

[3] Inquis. Retorn. Abbrevatio under the different counties named and date 16th May 1682.

[4] The original drawings in pen and ink of the famous funeral are deposited in the Library of the Faculty of Advocates, Edinburgh. They were engraved in a series of plates, now very rare, containing portraits of the officers of state, judges, and other prominent persons of the time, besides members of the Haddington and Rothes families.

[5] Vol. ii. of this work, pp. 195, 196.

Aberdeen, on 23d September 1682, John, bishop of Edinburgh, wrote, "He (Duke Hamilton) with his duchess, the M. Athole, E. Haddington, and Lord Carmichael, the Duchesse of Rothesse, and her daughter the Countesse of Rothesse, are all here in order to the concluding and adjusting the articles of the match intended betwixt Lord Morray and Lady Katharin Hamilton." [1]

Charles, fifth Earl of Haddington, died in the month of May 1685. He was, says Sir John Lauder, Lord Fountainhall, "a worthy gentleman of much hopes," and his demise was "to the grieff of all honest men." [2] In the previous year he had been appointed one of the tutors of his nephew, James, fourth Marquis of Montrose, and the earl, and his sister-in-law, the marchioness, mother of the pupil, being *sine quibus non*, his death appears to have brought the proceedings of the surviving tutors to a deadlock, for relief from which they had to request the interposition of the court of session.[3]

The Countess of Haddington and Rothes made her testament at Leslie on 4th June 1688.[4] She survived her husband until 20th August 1700. The countess is described by a contemporary writer as a lady of incomparable piety and goodness.[5] By her Charles, fifth Earl of Haddington, had three sons and a daughter :—

I. John, eighth Earl of Rothes. He was baptized on 21st August 1679,[6] the festivities connected with the event, which took place at Tynninghame, being adverted to in the household book already noticed. In terms of his mother's marriage-contract, he succeeded on the death of his mother to the earldom of Rothes. He held the office of keeper of the privy seal in 1704, was chosen a representative peer for Scotland in 1708, 1715, and 1722, was appointed vice-admiral of Scotland in 1714, governor of Stirling Castle in 1715, and lord high commissioner to the General Assembly of the Church of Scotland from 1715 to 1721. He took a prominent part in the suppression of the rebellion of 1715, and commanded the volunteer cavalry at the battle of Sheriffmuir. He was lieutenant of the counties of Fife, Kinross, and Aberdeen, and heritable sheriff of Fife. He married, on 29th April 1697, Lady Jean Hay, daughter of John, second Marquis of Tweeddale, chancellor of Scotland, and had eight sons and four daughters, none of whom, save the eldest son, ever married. The Earl of Rothes died on 9th May 1722, and was survived by his countess till 4th September 1731 :—

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[1] Letters to George, Earl of Aberdeen, 1681-1684 (Spalding Club), p. 64.

[2] Historical Observes of Memorable Occurrences, etc., p. 169.

[3] Historical Notices of Scottish Affairs, by Sir John Lauder of Fountainhall, p. 849.

[4] Fourth Report of Historical MSS. Commission, Appendix, p. 511.

[5] Crawford's Peerage, pp. 430-431.

[6] Register of the parish of Tynninghame.

1. John, ninth Earl of Rothes, of whom below.
2. Hon. Charles Leslie. He was captain in a Scottish regiment in Holland, and rose to the rank of colonel in the Dutch service. He died at London on 16th August 1769.
3. Hon. Thomas Leslie. He was equerry to the Prince of Wales in 1742; and as a captain in the 46th regiment of infantry was engaged in quelling the rebellion of 1745. He was wounded and made prisoner at the battle of Prestonpans. In 1748 he obtained the appointment of barrack-master for Scotland, and held it until 1769. He was also member of parliament for the Perth burghs, 1743-1754, and died in London on 17th March 1772.
4. Hon. James Leslie of Milndeans, advocate, and one of the commissaries of Edinburgh. He was appointed in 1748 sheriff-depute of the county of Fife, and until 1757 was solicitor of exchequer. He died at Clapton, in Middlesex, on 24th September 1761.
5. Hon. David Leslie, who died young.
6. Hon. William Leslie, who was major-commandant of invalids in Ireland. He died at London on 29th January 1764.
7. Hon. Francis Leslie, who died young.
8. Hon. Andrew Leslie, who became equerry to the Princess-dowager of Wales. On the death of his nephew, John, tenth Earl of Rothes, in 1773, without issue, he laid claim to the Rothes estates as the heir-male, but was unsuccessful. On his death, at Haddington, on 27th August 1776, the male descendants of the eldest son of Charles, fifth Earl of Haddington, became extinct, and the then Earl of Haddington became direct heir-male of the Earls of Haddington.
9. Lady Jane Leslie, who died at Edinburgh on 18th March 1771.
10. Lady Mary Leslie, who died in infancy.
11. Lady Margaret Leslie, who died at Fountainbridge, Edinburgh, on 23d February 1767.
12. Lady Anne Leslie, who died young.

John, ninth Earl of Rothes, choosing a military career, rose to the rank of general, and was commander-in-chief of the forces in Ireland. He was present at the battle of Rocoux, between the British and the French, on 1st October 1746, and displayed great gallantry. Succeeding his father as Earl of Rothes in 1722, he was in the same year appointed governor of Stirling Castle, also in succession to his father. In 1723 he was chosen a representative peer for Scotland, and between that date and 1761 was frequently re-elected. The office of chamberlain of Fife and Strathearn was conferred upon him in 1744, but three years later his heritable office of sheriffship of Fife was abolished, for which, though preferring a claim for £10,000 as compensation, he received £6268, 16s. He was invested with the order of the Thistle in March 1753. He married, on 25th May 1741, at London, Hannah, youngest daughter and co-heiress of Matthew Howard of Thorpe, in the county of Norfolk. By her he had issue four children; but she dying in Dublin on 26th April 1761, he married as his second wife, on 27th June 1763, at Tynninghame, Mary Lloyd, daughter of Mary, Countess of Haddington, by her first husband. Of this second marriage there was no issue. John, ninth Earl of Rothes, died at Leslie House (which during his time was destroyed by fire) on 10th December 1767, survived by his second countess, who married, on 24th May 1770, Bennet Langton of Langton, in the county of Lincoln, to whom she bore a large family. The children of John, ninth Earl of Rothes, were—

1. John, tenth Earl of Rothes, of whom below.
2. Hon. Charles Howard Leslie, who died on 18th August 1762, aged fifteen years.
3. Lady Jane Elizabeth Leslie, Countess of Rothes, of whom below.
4. Lady Mary Leslie, who was born on 29th August 1753. She married at Esher on 5th November 1770, William Charles, third Earl of Portmore, and had issue. She died at Kedlestone, in the county of Derby, on 21st March 1799.

John, tenth Earl of Rothes, was born at London on 19th October 1744, and had an ensign's commission in the third regiment of foot guards, which his father at the time commanded. He succeeded as Earl of Rothes in 1767, and married, on 4th April 1768, Jane, second daughter of Captain Maitland of Soutra, but died at Leslie House on 18th July 1773, in his twenty-ninth year, without issue. His widow married afterwards the Hon. Patrick Maitland of Freugh, Wigtownshire, seventh son of Charles, sixth Earl of Lauderdale, and had issue. John, tenth Earl of Rothes, was succeeded in the title and estates by his elder sister,

Lady Jane Elizabeth Leslie, Countess of Rothes, who was born on 5th May 1750. She succeeded her brother in 1773 in the peerage and estates of Rothes, and effectually vindicated her right to the estates against the claim of her uncle, both in the Court of Session and the House of Lords.

She was twice married, first in 1766, to George Raymond Evelyn, youngest son of William Evelyn Glanville of St. Clere, in Kent, and secondly, in 1772, to Sir Lucas Pepys, Baronet, uncle of the first Earl of Cottenham. To both she had issue, and dying in 1810, was succeeded by the only surviving son of her first marriage, George William, eleventh Earl of Rothes. He was succeeded in 1817 by his eldest daughter, Lady Henrietta Anne, as Countess of Rothes, who married in 1806, George Gwyther, who assumed the name and arms of Leslie. Their eldest son, George William Evelyn, twelfth Earl of Rothes, succeeded in 1819, and marrying on 7th May 1831, Louisa, third daughter of Colonel Anderson Morshead, had issue a son and a daughter. He died on 10th March 1841, when he was succeeded by his son, George William Evelyn, thirteenth Earl of Rothes. He died on 2d January 1859 unmarried, when the honours and estates devolved upon his sister, Lady Henrietta Anderson Morshead Leslie, as Countess of Rothes, who possessed many accomplishments, and was held in the highest esteem and regard. Born in 1832, she married on 2d January 1861, the Hon. George Waldegrave, third son of William, eighth Earl Waldegrave. On his marriage Mr. Waldegrave assumed the additional surname of Leslie. He survived the countess, who died in 1886, when the title of Countess of Rothes devolved upon her aunt, Mary Elizabeth, sister of George, twelfth Earl. The present countess was born in 1811, and married in 1835, Martin Edward Haworth, who in 1886 assumed the surname of Leslie, and has issue. The heir to the title is her grandson, Norman Evelyn, Lord Leslie, born in 1877.

II. Thomas, second son of Charles, fifth Earl of Haddington, became sixth Earl of Haddington, of whom a memoir follows.

III. The Hon. Charles Hamilton, third son, who died young.

The daughter was—

Lady Anna Hamilton, who was baptized at Tynninghame on 25th August 1676.

C Haddintone

Margaret Leſlie

XV.—THOMAS, SIXTH EARL OF HADDINGTON.

HELEN HOPE (Hopetoun), his Countess.

1685—1735.

Thomas, sixth Earl of Haddington, was the second son of Charles, fifth Earl of Haddington, and his countess, Lady Margaret Leslie, Countess of Rothes. He was baptized on 5th September 1680, at Tynninghame,[1] probably a few days after birth. Being only five years old when his father died, and when, in terms of the marriage contract of his parents, he succeeded to the Haddington honours and estates, he was brought up with his mother at Leslie, under the guidance of tutors appointed by his father. Of these, next to his mother, Adam Cockburn of Ormiston, afterwards lord justice-clerk, who was the husband of his aunt, Lady Susanna, seems to have taken a principal interest in the young earl, and from him the earl is said to have imbibed his political opinions, and proved as apt a pupil as his instructor could wish.

Among the other tutors were John, Earl of Kintore, Sir James Hamilton, Mr. Archibald Hope of Rankeillor, Mr. William Anstruther, younger, of that ilk, one of the senators of the College of Justice, Sir Robert Sinclair of Stevenston, and Sir James Foulis, younger, of Colinton, Lord Reidford, and their first care was to ascertain the financial position of their pupil. This was found to be unsatisfactory. The rental of Tynninghame, Byres, and Samuelston amounted to £21,066, 14s. 6d. Scots; but from this had to be deducted burdens to the extent of £12,744, 1s. 6d., including jointures and annuities due to the Countess-dowager of Haddington and the Countess of Rothes, which were £10,985, 6s. 8d. The rents of Melroseland, Earlston, and Coldstream came to £17,426, 2s. Scots, on which the public burdens were calculated as £2162, 7s. 10d. From all these lands the free rental was thus £23,586, 7s. 2d., subject to a further deduction for cess, chamberlain fees, and other salaries, estimated at £3291, 18s. 8d., so reducing it to £20,294, 8s. 6d. Scots. The debts due by the late earl upon bonds amounted to £271,800 Scots of principal, besides arrears of interest to the extent of £25,563, 13s. 4d. To meet this latter sum, the tutors proposed to set aside a sum of £28,006, 19s. 5d., which was due to the late earl by tenants and others. But the bonds under which he was indebted required annually no less than £16,308 to meet the interests due upon them, and these payments must also come out of the free rental of the estates, leaving available for the alimenting of their pupil and his younger brother the sum of £3986, 8s. 6d. Scots, or about £332 sterling. Even this small sum was subject to reduction through deficiency of tenants, necessary reparation of houses, the hazard of selling victual, and extraordinary public burdens, as well as the payment of such of the arrears of interest as should not be met by the recovery of the debts due to the earl, or the sale of his moveable estate. There were some other debts due to the late earl, but these were more or less "desperate," and they were balanced by his being cautioner for his maternal uncle, the Earl of Crawford, to the laird of Hopetoun, for 27,000 merks, the interest of which had not been paid for eleven or twelve years.

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[1] Register of the parish of Tynninghame. The Rev. Dr. Wallace, who wrote the Statistical Account of that parish in 1835, quotes from the Household Book mentioned in the memoir of Earl Thomas's father, the entries relating to the festivities at the baptism in 1679. But, as formerly shown, these do not, as Dr. Wallace states, refer to Earl Thomas, but to his elder brother John, who was then Lord Binning, and afterwards became Earl of Rothes.

To meet present exigencies, the Countess of Rothes gave up for the benefit of her son Thomas the annuity of £3000 which was due to her at the ensuing term of Whitsunday, besides the sum of £1590, 9s. 10d., which was due to her by the late earl. Following her example, the Countess-dowager of Haddington, on behalf of her daughter, Lady Mary, gave up the annuity due to her at the same term from her provision of 22,500 merks, in respect that she had been alimented in the earl's family.

Something more than this, however, was needed to rectify matters, and the countess and other tutors resolved upon the sale of the Byres estate. The tutors of Hopetoun offered in a friendly way to become the purchasers for their pupil, Charles Hope of Hopetoun, at the price of £155,550 Scots (£12,962, 10s. sterling), but agreed to give way if a higher offerer should come forward. By disposition dated 13th February 1691, the tutors of Haddington made over to the tutors of Hopetoun the estate of Byres at the price named, the arrangement being that the purchasers should not pay over the money to the sellers, but should liquidate the claims of as many of the bondholders as would be covered by the price; and this was what was actually done.

In the disposition of the lands the tutors of Haddington state, by way of preamble, that the late Earl Charles, during his lifetime, was most desirous to have sold part of his estates in order to disburden himself of the great amount of his encumbrances, and that he actually entered into contracts, for selling portions of the Byres estate, with Sir John Nisbet of Dirleton, John Wedderburn of Gosford, and the laird of Drummelzier, but that these were broken off by his sudden and untimely death, which also further complicated matters by augmenting the debt. The transaction was completed on the date of the disposition at Edinburgh by the tutors of Hopetoun taking over bonds to the amount of £155,533, 6s. 8d., and paying down in cash to the tutors of Haddington the balance of £16, 13s. 4d. It was arranged that the annuity of £500 sterling, which was payable to the Countess of Rothes out of the estate of Byres, should be otherwise provided for, and also that Earl Thomas, on reaching his majority, should ratify the whole transaction. This was done by him in March 1703, and on the other part, on the 26th of that month, Charles Hope of Hopetoun, who in the same year was created Earl of Hopetoun, assigned to Earl Thomas the bonds taken over by his tutors, now paid up and discharged.[1] In the interval between these two transactions the relationship between the families of Haddington and Hopetoun had been drawn still closer than before. The two young men were then first cousins, but now they were also brothers-in-law, for the young Earl of Haddington, in 1696, when only about sixteen years of age, had married his cousin, Helen Hope, the sister of the laird of Hopetoun, she being about two years his senior.

By the sale of Byres the encumbered condition of the Haddington estates was somewhat relieved, though by no means cleared. It was also necessary to secure the titles of the Haddington estates in the person of Earl Thomas, as his elder brother had succeeded to Rothes. As stated in the previous memoir, Earl Charles, on 26th March 1678, in terms of his contract of marriage, executed a procuratory of resignation of his whole lands and of the dignity of Earl of Haddington, and in virtue of this resignation the tutors of Haddington, on 25th February 1687, obtained for Thomas Hamilton, second son of Charles, Earl of Haddington, a crown charter, under the great seal, of the Haddington estates, in the counties of Roxburgh, Haddington, Edinburgh and Selkirk.[2] This was followed on 18th December 1689 by a patent in his favour of the title and dignity of Earl of Haddington, in the preamble of which he is designated simply Mr. Thomas Hamilton.[3] This patent was ratified to him after he came of age by a new patent granted on 22d October 1702,[4] which mentions the resignation of the Haddington title by John, Earl of Rothes, in his younger brother's favour. The tutors of Haddington also obtained for their pupil the restoration of the office of hereditary keeper of the park of Holyroodhouse, a charter of which was conferred upon the young earl on 23d January 1691.[5]

In connection with this matter, the following letter from the Privy Council to the king gives some important information:—

Edinburgh, 5th June 1690.

MAY IT PLEASE YOUR MAJESTIE,—In obedience to your Majestie's commands to us, signified by your letter the 26th of February last, wee have examined and considered Sir

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[1] Original disposition, accounts, and relative papers in Haddington Charter-chest.

[2] Registrum Magni Sigilli, Lib. lxx. No. 334.

[3] Registrum Magni Sigilli, Lib. lxxii. No. 1.

[4] Vol. ii. of this work, pp. 314, 315.

[5] *Ibid.* pp. 315, 316.

James Hamiltoun and the Earle of Hadingtoun's rights of being keepers of your Majestie's park of Holyroodhouse. In answere thereunto, may it please your Majestie to know that we find the heretable right of keeping of that park in the person of the said Sir James and the Earle of Hadingtoun instructed according to the progresse narrated in the petition presented to your Majestie by Sir James, and that the late Earle of Hadingtoun wes in possession of the said park, and keeping thereof, till anno 1682, at which tyme he wes dispossessed for not takeing the test; and that there wes ane pension of 4000 merks Scots payed yearly to Sir James in liew of the rent of the said park untill Whitsunday 1688; and which being now fallen, wee find it just that Sir James and the present Earle of Hadingtoun should be restored to the said keeping, and to the uplifting the ordinary profites arysing thereby, due since the last termes payment of the forsaid pension, and in tyme comeing. Neither does there appear any ground of objection to us against the tittles produced. What your Majestie shall be pleased to give order for in this particular, your royall pleasure being signified to us, shall be obeyed by, may it please your Majestie, your Majesties most faithfull and obedient subjects and servants,

Ruthven. Raith. Crafurd.[1]

During the minority of Earl Thomas, the question of the precedency due to the title of Haddington was frequently before parliament. The Earl of Lothian had for some years protested against the calling of certain earls in the roll before him, one of whom was Haddington. In 1690, when no appearance was entered against his claim, the Earl of Lothian at his own request obtained decreet in his favour. But in 1695 opposition was renewed, Mr. Francis Montgomerie appearing for the Earl of Haddington, and on this occasion the former decision was reversed.[2] On the commissions for supply in the several counties appointed by parliament in these two years the chamberlain of the earl was nominated as a member, evidently in place of the earl, and on account of his minority.[3] In 1689 also, parliament interposed its authority at the instance of the tutors of Haddington, enforcing payment of rent against two of the earl's tenants in the barony of Coldstream;[4] and in 1695 the tutors were summoned to conserve their pupil's interest in a case of proving the tenor of a number of the writs of the lands of Goodtrees, which had perished by fire in April 1690, in the dwelling of Sir Thomas Stewart of Coltness, a tenement on the west side at the foot of the close called Sir James Stewart's Close, opposite to the old church style.[5] The same parliament in 1695 passed an act in favour of the earl, granting a yearly fair to the town of Melrose of two days' duration, beginning on the second Tuesday of May.[6]

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[1] Leven and Melville Papers, Bannatyne Club, pp. 440, 441.

[2] Acts of the Parliaments of Scotland, vol. ix. pp. 115, 370, 377, 384, 389; App. 105, 107, 109.

[3] Acts of the Parliaments of Scotland, vol. ix. pp. 138, 374.

[4] *Ibid.* App. p. 29.

[5] *Ibid.* p. 485; App. p. 91.

[6] *Ibid.* vol. ix. p. 501.

Thomas, sixth Earl of Haddington, after his marriage in 1696, continued to reside at Leslie for several years. He only came to Tynninghame in 1700, the estate having been, since the last earl's death, let to tenants, whose occupancy was apparently detrimental to the amenity of the Haddington home policies. "They pulled up the hedges, plowed down the banks, and let the drains fill up, so that," says the earl, "when I came to reside here, everything of that kind was in ruins, except the thickets to the east and west of the house." Improvements were consequently urgently needed, but to these the earl could not be brought for some time to apply his mind. The more practical eye of the countess discerned what was required, but all her persuasion was expended to no purpose on her lord till, with rare tact, she put her own hand to the work, and quietly led him forward in those agricultural enterprises in which he afterwards engaged, and which have proved so beneficial to the entire district and country. In a letter which he wrote to his grandson and successor, he narrates what he had done to improve the estate, by planting and otherwise, evidently with the view of having his operations carried on after his death, and there the earl bestows the full credit of the inauguration of these works on his countess. On account of its great practical utility the letter was subsequently published as "A Treatise on the manner of raising Forest Trees, etc." In it the earl says :—

> When I came to live in this place in the year 1700, there were not above fourteen acres set with trees. I believe the reason was that it was a received notion in this country that no trees could grow here, because of the sea air and the north-east winds. . . . As I was not then of age, I took pleasure in sports, dogs and horses, but had no manner of inclination to plant, inclose, or improve my grounds. But being at last obliged to make some inclosures for grazing my horses, I found the buying of hay very expensive. This made me wish to have enough of my own. Yet I did little or nothing of that kind for some years. But as your grandmother was a great lover of planting, she did what she could to engage me to it, but in vain. At last she asked leave to go about it, which she did, and I was much pleased with some little things that were both well laid out and executed, though none of them are now to be seen; for when the designs grew more extensive we were forced to take away what was first done.
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> Though the first Marquis of Tweeddale, my Lord Rankeillor, Sir William Bruce, my father, with some others, had planted a great deal, yet I will be bold to say that planting was not well understood in this country till this century began. I think it was the late Earl of Mar that first introduced the wilderness way of planting amongst us, and very much improved the taste of our gentlemen, who very soon followed his example. I had given over my fondness for sport, and began to like planting better than I had done, and I resolved to have a wilderness. I fixed upon some ground near my bowling green. I laid it out in a centre with fourteen walks from it, the most of them having tolerable good terminations. But as it was too little, in some years I enlarged it greatly; and your father, who had an

admirable taste, put it in the figure it is now in. The growth of it is very surprising, considering how few years it is since it was planted; but as I take that to be owing to some reasons that are fitting for you to know, I shall tell them here.

The earl then enters into details of his method of planting, objections against which he obviates, and continues his narrative thus:—

After the wilderness (I mean the little thing with the straight walks) was finished, your grandmother came to me with another proposal. There was a field of three hundred Scots acres, each one fifth larger than an English acre, called the Muir of Tynningham, that was common to some of my tenants, and a neighbouring gentleman, the ground of very little value, except some small part of it, for which one of my tenants paid a trifle of rent. This ground she desired to inclose and plant. It seemed too great an attempt, and almost everybody advised her not to undertake it as being impracticable, of which number I confess I was one. But, she said, if I would agree to it, she made no doubt of getting it finished. I gave her free leave. The gentleman and tenants had their loss made up to them, and in the year 1707 she began to inclose it, and called it Binning Wood. After she had begun to plant it, I thought it would be a pity not to have a centre in it, and walks from it, with the best terminations we could find. For that end I traversed the ground till I found what I wanted. I told this to my wife, who went and looked at it, liked it very well; but walking about, lighted on a spot of ground that she thought more proper for a centre. I preferred my choice, she hers. But knowing that the Earl of Hopetoun, the present Earl of Marchmont, and the late Sir John Bruce, were to be here in a few days, we resolved to leave the determination of this controversy to them.

When they came, we all went to the field. The spot your grandmother had pitched on was the first we came to. Here she stopped and said what she could in praise of her choice. I begged to go on to mine But my Lord Marchmont said it would be best to set up the instruments there, and to take the views and walks. When that was done he would go forwards and do the like at mine, and when both were laid down on paper, it might be judged which was best. In the meantime Sir John Bruce had straggled from us, and sent to tell he had lighted upon a finer spot of ground for a centre than either of the two we were contending for. My Lord Marchmont sent him the same answer he had given me, and when he had ended what he had to do at mine, he went and did so at the place where Sir John was at. When we returned to the house, he laid down the whole field on paper, with the three centres, and the walks from each of them. When this was shewn, it was agreed unanimously that all the three should be laid out on the ground, and the planting carried on by that plan. This was done, and stands so to this day, with very little variation; only that there are some serpentine walks, and some figures, laid down by your dear father when he was but ten years old. An incredible number of trees are planted in this field. But I shall say nothing about the method that was taken, because I am to tell you how every kind of tree is to be managed. I shall only say that all who see it express themselves highly pleased with it.

I now took pleasure in planting and in inclosing. But because I did not like the husbandry practised in this country, I got some farmers from Dorsetshire. This made me divide my ground; but as I knew the coldness of the climate, and the bad effects the high winds had, I made strips of planting betwixt every inclosure, some forty, fifty or sixty feet broad, as I thought best. These look very well, and I hope will be a great shelter and come to warm the ground. From these Englishmen we came to the knowledge of sowing and management of the grass seeds, a thing of so great advantage that I intend to write something on that head to you after I have finished what I have to say about trees. After making inclosures and strips of planting, I turned my eyes to a piece of ground near the house very barren, that carried nothing but furzes, or as they are called here, whins. My father had planted some of it with birch; but having been spoiled by cattle in my minority, were very much stunted. I had cut them down some years before, and planted some other trees amongst them. Upon my going one year to London, I committed it to your father, who took it in hand, made it in walks, and now it is an exceedingly pretty spot of ground. And as it every way differs from anything about this place, it is liked by all that see it. This done, and your grandmother seeing the unexpected success of her former projects, went on to another that all who heard of it were positive it would be to no purpose.

The story is this: There is a large warren here, close by the seaside, vastly sandy. This, with several acres of arable and pasture land, was formerly let for a trifle. Some years ago we found the rabbits (which were in great plenty, since what is called warren was at least four hundred acres) came out upon the neighbouring grounds, destroyed much corn, and eat over what trees I had planted, or hedges that were near them. This made us demolish the warren, that is to say, root out the rabbits as much as we could, so that all this large field was laid waste, and only served to give a very little food to some sheep and young black cattle. But still we did not repent the destroying of the rabbits.

A gentleman who had lived some time at Hamburgh, one day walking with your grandmother, said, That he had seen fine trees growing upon such a soil. She took the hint, and planted about sixty or seventy acres of this warren. All who saw it thought that the time, labour, and trees were thrown away. But to their great amazement they saw them prosper as well as in the best grounds. The whole field was dead sand, with scarce any grass on it; nor was it only so poor upon the surface, but continued so some yards down. The next thing that was fallen upon was a field so poor that after bestowing more labour and manure on it than it was worth, yet the next year it was as bad as it had been before. I resolved to fight no more with it, and planted it all, and I cannot say but it answers very well. As I have a great deal more of such kind of land, I design to plant it all.[1]

Thus it was through the management and tact of his amiable countess that the earl was led to forsake a sporting life and become one of the greatest planters of his day. He made it a subject of special study. "I have read," he says, "all the books I could lay my hands on that are in English on the subject of planting, and they are not few in number." But the experience he gained in practical work, in which he states his belief that he had planted more trees than "any man ever planted in his lifetime," enabled him to add one more book to the number, as of these which he had read he says, "There are none that I intirely agree with."

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[1] Treatise on Forest Trees, by Thomas, sixth Earl of Haddington, pp. 1-11.

The result of the united labours of the earl and his countess in the improvement of their estates was very marked, and a hundred years after the work was begun, a reviewer of the state of agriculture in the county remarked that the most extensive plantations in the lower parts of the county are on the estate of Tynninghame, amounting to about 800 acres, and containing a large amount of excellent thriving timber, which yields a considerable revenue to the noble proprietor. These plantations extend almost to the sea-beach, on a light sandy soil, and, flourishing so well under such circumstances, seem to refute the commonly received opinion that the sea air is injurious to timber trees.[1] Binning Wood, which was planted by this Earl and Countess of Haddington in the way now described, continued to flourish and prosper. It was a marked feature in the beautiful policies of Tynninghame for several generations of the family. But it suffered severely in the great hurricane of 28th December 1879, which swept away the Tay Bridge and devastated many other forests besides Binning Wood.

In addition to the plantation of woods Earl Thomas bestowed much care upon the improvement of farming operations on his estates. He introduced the practice of fallowing, and the planting of rye-grass and broad clover, and gave much attention to the proper fencing of his lands. The holly hedges he planted around Tynninghame are still standing, well preserved and cared for, and some of them have attained the height of from twenty to twenty-five feet. In the working out of his improvements the earl willingly accepted and tested advice from every competent quarter, and where methods used in England appeared likely to succeed on his own lands, he engaged English farmers to introduce them there.[2]

The earl took his place in parliament on its meeting at Edinburgh on 6th May 1703. Perhaps he was also present in the previous year, as he was then appointed a commissioner of supply for the counties of Haddington, Berwick, Roxburgh and Fife. He took part in the proceedings during the debates on the act for the security of the kingdom, in which the Scottish parliament claimed the right to nominate who should succeed Queen Anne on the Scottish throne, and to take such means as might be necessary to preserve the independence of the nation. The Earl of Haddington shared the feelings of patriotic fervour which actuated the majority of the members, and he joined, on 20th July, in a protest, made by the Marquis of Montrose, against a measure which gave to the Privy Council, in conjunction with the Estates, the right of government in the event of the Queen's death until parliament should meet. This prejudiced the peers, the protest stated, in their native and undoubted right, and it was numerously adhered to, while many of the representatives of the people levelled a similar protest against the provision.

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[1] Somerville's General View of Agriculture in East Lothian, 1805, p. 162.

[2] *Ibid.* pp. 92, 152.

The earl's patriotism, however, was not unreasonable. He had no sympathy with the Jacobite party; and when that party cordially supported a measure for the opening of trade in wines between France and Scotland, as offering opportunities of communication with the royal exiles, and the measure was passed by parliament in its desire to accentuate its independence of England, he joined with the Marquis of Tweeddale, the Duke of Hamilton, and many other peers and commoners, in a protestation, made before the vote was taken, that such a measure was dishonourable to their sovereign, inconsistent with the grand European alliance against France and Spain in which she was engaged, and detrimental alike to the honour and the trade of the kingdom.[1]

In the following year, 1704, the earl was again present at the opening of parliament, and was reappointed a commissioner of supply for the four counties in which he had landed or other interest.[2] In connection with the appointment of commissioners for the county of Roxburgh, a scene took place in parliament between the Earl of Haddington and Archibald Douglas of Cavers, the representative of the county. The Earls of Roxburgh and Haddington and the commissioners of the county gave in their signed list, while Cavers gave in one of his own. The Earl of Haddington explained that Cavers had been desired to attend, and refused. To which Cavers replied, "That is not true." The earl in his turn quietly responded, "I thank you, sir, for that." No more might have occurred, but the chancellor and the house took notice of the matter, and ordered Cavers to crave pardon of the house and of the earl; which being done, Haddington said he had nothing more to say to him.[3]

In 1705 arose the great question of union between Scotland and England, which, for a considerable time, engrossed the attention of the Scottish legislature. At this time Scottish statesmen were divided into several parties. The Earl of Haddington was one of the leaders of what was called the new or country party, as distinguished from the old or government party, and the cavaliers, Court or Jacobite party. George Lockhart of Carnwath describes him as a statesman at this period "entirely abandoned to Whiggish and Commonwealth principles, and one of Cockburn of Ormistoun's beloved pupils. He much affected, and his talent lay in, a buffoon sort of wit and raillery; was hot, proud, vain, and ambitious."[4] This, however, is the judgment of an opponent.

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[1] Acts of the Parliaments of Scotland, vol. xi. pp. 21-23, 29, 72, 102.

[2] *Ibid.* pp. 113, 139, 140, 148.

[3] Hume of Crossrig's Diary, p. 134.

[4] The Lockhart Papers, vol. i. p. 112.

Macky, the secret service agent, entertained a more favourable opinion of the earl. Coupling him and his brother, the Earl of Rothes, together, he says of them, "They are both warm assertors of the liberties of the people, and in great esteem in their country. My Lord Rothes is of vigilant application for the service of his country. The other hath a genius, whenever he thinks fit to apply himself."[1]

The Marquis of Tweeddale, then chancellor, was chief of the party to which the earl and his brother belonged, and George Baillie of Jerviswoode was one of its principal members. When the Union question came to the front, it was judged politic to reconstitute the Scottish Council, and Tweeddale, with the other official members of his party, were superseded. Resenting this treatment, they formed themselves into a separate party, which was called by the Jacobites the "Squadrone Volante," or flying squadron, and which Haddington also joined. By acting in a compact body, and giving their votes wholly for the government or the Jacobites, as pleased them for the time, they were able, though numerically small, to maintain an influential position, and were frequently the arbiters as to what measures should pass. They also distrusted the Duke of Hamilton, who was the leader of the government party, as averse to the succession, to which they wished well. But as they desired at the same time to procure for Scotland the best possible terms, they agreed to act as a flying squadron between the Government and Jacobite parties, and moderate the proceedings of both.[2]

When Tweeddale and his party were ousted from office, it was felt that something must be done to mollify their feelings. The Earl of Roxburgh, who was one of the squadron, was made the medium of accomplishing this, he himself getting the office of one of the Scottish secretaries of State. On 9th January 1705, he wrote from London to George Baillie of Jerviswoode, asking him to ascertain if the Earl of Haddington and his brother would be willing to accept the "green ribbon" (the knighthood of the thistle). A week later he again reverts to the subject, and states his resolution to propose to the Duke of Marlborough and the Earl of Godolphin at their first meeting, "that Cromartie be laid aside and Haddington get his employment, together with the green ribbon."[3] He adds, "I wonder Haddington would not come to London this winter. I am sure he loses his time where he is, and may be fit for anything." The application, however, was to all appearance unsuccessful, and on 1st March Baillie of

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[1] Macky's Memoirs.

[2] Memoirs of John Ker of Kersland, vol. i. p. 24.

[3] The Earl of Cromartie had by this time demitted his office of secretary of state, and it was in contemplation to bestow some other post upon him. He afterwards got the appointment of lord justice-general, which, if then decided on, was probably that which Roxburgh had in view for the Earl of Haddington; or it may be that the intention was of a general nature, that Haddington receive any office which might have been conferred on Cromartie.

Jerviswoode wrote somewhat peremptorily to Secretary Johnstone, "A green ribbon will be necessary to please Haddingtone; it will likewise show that we have still some interest."

The chiefs of the squadron were naturally anxious to have some hold upon the earl by obtaining this honour for him. They felt uncertain of his remaining with them, especially as Cockburn of Ormiston, who was a prominent member of the government, or old party, publicly boasted that he had both the Earls of Haddington and Rothes in his hand. These fears proved to be well founded. To Roxburgh's chagrin, Haddington voted against his party on the question of the reprieve of Captain Green, who had been condemned on a capital charge, and a few days later Jerviswoode wrote to Secretary Johnstone, "I'm affrayed that Ormistone has gained Hadingtone." This was written on 17th April 1705, and on the 26th he added the confirmation of his surmise—that Haddington had actually gone over to Argyll.[1]

The earl was evidently anxious to be recognised by the government, and if possible to obtain some post under them. There appears to have been some correspondence between the managing men on the subject. A letter from Secretary Johnstone to Haddington was intrusted to Baillie of Jerviswoode, who for some reason did not deliver it, but burned it unopened. The secretary writes :—

> It's strange you destroyed mine to Haddington, and did not rather read it, since I told you you were to explain it to him, for he would not understand it without you, and the business might, as it would, have done the new party service, but would have done them no hurt. Besides, that letter was writ to him by the lord treasurer's order, who has since writ to him himself. Tell him, or write to him, that by a mistake a letter from me to him was burnt, but that you have written to me of it, all which is true, and that he'll quickly hear from me, which he shall. As to his counteracting, he is against everybody for a better place. Duke Hamilton has used him ill, and he is very sensible of it at present.[2]

Why Jerviswoode burned the letter is not clear. He was probably displeased with Haddington on account of his withdrawal, but, at Johnstone's request, Jerviswoode saw the earl, and found him "now more frank and free than he has been of a long time, and not verie well pleased with the commissioner" (Argyll). His conversation with the earl about the movements of various statesmen provided him with material for a long letter to Roxburgh, who, in his reply to Jerviswoode, expressed the opinion of Haddington that he feared he would be "all his life, uncertain."[3]

Now that the Earl of Haddington had allied himself to Argyll, the commissioner endeavoured to secure him by the same means that Roxburgh had employed. He requested the queen to bestow the blue ribbon[1] (the knighthood of the garter) upon him; but she replied that she would wait until the parliament was over. Whether this influenced the conduct of the earl during the progress of the Treaty of Union through parliament, it would be impossible to say, but certainly he attended assiduously during the progress of the measure, and cordially supported it throughout. It must be added, that he avoided the extremes to which some of his party went in dealing with their opponents, as, for example, when the Jacobites at one stage of the debates protested against certain proceedings of the parliament, and the government party attempted to bring them under a charge of treason on this account, the name of the earl is conspicuous by its absence from the document by which they endeavoured to do so.[2] He served on one of the committees to which it was remitted to report on a special section of the treaty, that referring to the equivalent to be paid by England to Scotland, as stipulated by the fifteenth section of the treaty. The earl was not included on the committee as originally appointed on 23d October 1706, but was added, along with the Earl of Cromartie and others, when several subordinate questions were remitted to it, on 28th November following. There were three sub-committees, of two of which Haddington was a member—one for reporting on the debt due to the African or Darien Company, and the other for adjusting the public debts and the coin. In a memorandum on this subject, Patrick, Earl of Marchmont, notes, "This committee was at much pains, acted very diligently, and made several reports to the house upon what was remitted to them. But especially those of the sub-committees, who did attend, were at extraordinary pains." He adds, that the Earl of Haddington was one that "attended well."[3]

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[1] Jerviswoode Correspondence (Bannatyne Club), pp. 20, 32-34, 37, 52, 77, 80.

[2] *Ibid.* p. 90.

[3] *Ibid.* pp. 103, 109, 111.

By the 16th of January 1707 the clauses of the Treaty of Union had been dealt with in detail, and on that day it was ratified by the Scottish parliament as a whole, the earl recording his vote in its favour. So far as Scotland was concerned, the Union was now practically an accomplished fact, and the active part taken by Lord Haddington towards this desired end was acknowledged in a letter, dated 1st February 1707, by Patrick, Earl of Marchmont, to Queen Anne, in which, *inter alia*, he says:—

> The chancellor, Marquis of Montrose, president of the council, the Duke of Argyll, Marquis of Tweeddale, both your secretaries, the Earls of Rothes, Roxborough, Haddington, the late Earl of Stair, the Earl of Glasgow, and your Majesty's other servants, with others of the well-affected nobility, and commissioners for shires and boroughs, did indeed act such a part as did well become subjects heartily sensible what they owe to a sovereign so benign and gracious, and to their native country.[4]

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[1] Jerviswoode Correspondence (Bannatyne Club), p. 113. In the letter Johnstone writes "Blew" in cypher, but Jerviswoode translates the word "green."

[2] Acts of the Parliaments of Scotland, vol. xi. p. 391. Also, pp. 300-423.

[3] The Marchmont Papers, vol. iii. pp. 327, 328; Hume of Crossrig's Diary, p. 186.

[4] The Marchmont Papers, vol. iii. p. 320.

With John, Earl of Mar, who had taken a foremost part in bringing forward and carrying through the treaty of Union, and who was one of the secretaries of Scotland at that time, Thomas, sixth Earl of Haddington, was on terms of intimate friendship. During the period of the Union negotiations they had frequent correspondence, and several of the Earl of Haddington's letters are preserved. They are written chiefly in a familiar, jocular strain, and are sometimes amusing. A few extracts from them may be given.

Tiningham, June 4, 1706.

My dear Lord,—I have twenty different times designed to have writt to you, and as often have I alter'd my resolutions. Sometimes I thought, perhaps you might be busie, and then a letter is uneasy; agin, I thought you might be idle, and then I had not the cruelty to disturb you, for I know how sweet a place London is when one hath nothing to take them up but pleasure. This was the great reasons that hath keept me from writting to you, but I must join to that the dullness of this curst country, which affords nothing that can be a diversion to anybody above ane advocatt or a presbiterian minister. . . . Drinking indeed succeeds pretty well, thanks to my Lord Roths, Hindfoord, Anster, George Ballie, James Bruce, and myself, who, as long as the Assembly lasted, lived as discreet a life as you could wish. The Marquis of Lothian was with us once, but I must forbear the particulars of that night till I have the honour to see you.

My dear lord, I should make you a great many compliments for the snuff-box and the snuff which you sent me, but you know I am very ill att making them, and besides I don't think them necesary amongst freinds, and I hope your lordship and I shall be always rekoned among that number. After all I am going to trouble you, but it is not upon my own acount. A young lady hath given me a guinea, and made me promise to buy her three fans, two att a crown the peice, and one to take up the rest of the guinea; besides my daughter must have me gett a fan for her att a crown. Now I must desire you to take the pains to doe this affair for me, and to bring them home with your self. For the money I think you 'll trust me till meeting.

Now, my dear lord, you see I have gott no more discretion than I had, nor doe I writt to you as secretary, but as our own Mar, who I hope will forgive this trouble from, my dear lord, your most oblidged humble servant, Hadinton.[1]

A year later the Earl of Haddington was again in correspondence with the Earl of Mar; but in the interval he had been in London. He seems to have written the letter from which the following is an excerpt, shortly after his return. He writes:—

Tinghame, June the last, 1707.

Dear Mar,—You belived that I left London with ill-will, but to shew your mistake, I was att home in three days after. I askt att Belfort for the draught you had left there, but the landlady told me she never saw it, though she had been att all the pains in the world to look for it. Well, Mar, here I am; but if I should tell you that I think myself much happyer nor when I was with you att London, I am sure you would not belive me. . . . Hide Park, St. James, the Opera, and Holburn are never out of my head. . . . For news here I know none as yett. Bellhaven was here the other day, just as the Duke was going to his coach, and the first question he askt, was, if I liked the Union as well as I did. I told, yes. Then the divell take me, says he, if ever I belive a word you say, or ever ask any more questions. Wee, to plauge him, shew'd him verses upon the Union, att which he swore heartyly. He, as you know, is making fine pavilions, and puts on inscriptions about the Union on the windows, which I shall lett you know as soon as I have seen them. Apropo to inscriptions, I beg you would send me a double of that upon Mrs. Campion's tomb, and anything that hapens here, good, bad, or indifferent, you shall have ane acount of it from, my lord, your most humble and obedient servant, Hadinton.[1]

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[1] Original letter in the Mar Charter-chest.

The earl's next letter is dated a few weeks later, and is in reply to one received from Lord Mar. It is unsigned, but is written from Tynninghame, and indorsed by the receiver as from the Earl of Haddington:—

Tinghame, Jully 18, 1707.

Dear Mar,—I had your letter some days agoe. I return you a great many thanks for the inscription. I asure you Belhaven's is far short of it, for it is only a part of one of Salton speeches put in Latin—1707 Traditionis Sco: Anno j^{mo}—but he thought so litle of it himself that it is only upon the door of a coall house. For my coming away, I don't know what you mean by forgivenes; but I am sure of this, if I could have stayed, I should never have left England. . . .

As to the houmour of this country, your lordship guesed very right that nothing will please; and you must forgive me to say that there are some upon the comision of equivalent that are by much the greatest foolls in the United Kingdom, and are so far from knowing what they are doing that they take notice to everything that is told them by people who are heart enimies to the Union, and for ought I know they have sent to stop the equivalents coming down, for since it is not all in specie they will have none of it. This I am sure they were speaking of yesterday when I left Edinburgh, and anybody that pretended to convince them were lookt one to be as great rascalls by them as I am sure they are foolls.

If you have a mind to buy a new chaise where you are, and to sell your old one, if you 'll lett me know your prise, I think I shall be your merchant. Dear Mar, Adieu.[2]

Again, on a later occasion, the Earl of Haddington writes to the Earl of Mar in another unsigned letter:—

September 12, 1707.

My dear Lord,—I am sensible I have been too long without writting to you, and which is worse, was I to be hanged for it, I can make no satisfieing excuse. To tell you that I am lasie and dull, and that this is a curst country, and affords nothing worth writting, were no news to you, for you was old enough befor you left us to know this, and you may depend upon it, we are not a bitt improven. Indeed the gospell thrives, for L——n gott drunk in Edinburgh, and in the going home rid over a whole presbitry of ministers, and in ten days took the sacriment in that lacet coat that was designed for the unholy prosecion on May day. . . . Now perhaps you may know where you are when this letter finds you, but if I doe, the D—— take me. I guese you are at the Bath. If you are, lett me tell you I have been there, and found it the best place in the world except one. I cannot say but I wish to be your guide; but that is in vain. *Non cuivis homini contingit adire Corinthum.* I hope you 'l forgive the quotation, for it is the first, and, if it please God, shall be the last. If I remember right, the last time I wrot to you, I sent you some verses. I belive it had been for your happines that you had discommended them, for till you take that course you ar in hasard to be plauged by me every time I fall a rhimeing, in testimony whereof I have sent the inclosed, which is directed to your lordship under a poeticall name, for I found your own consisted of too few letters to be in a poem; put your predisecours should have added two or three sillables, and that would have saved me the coinage. God bliss Prestongrange, for Morisini would have been harmonious enough in all consience. Well, my dear lord, adieu. I doubt not but you have aboundance of Scots people with you, if you have a mind give my servise to some of them.[1]

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[1] Original letter in the Mar Charter-chest.

[2] *Ibid.*

The poems to which the earl refers as enclosed have been removed from the above letter, and also from the following, which is unsigned, but appears to have been written by Lord Haddington at Tynninghame. It is dated—

October 16, 1707.

My dear Lord,—Your letter had lain so long befor it came to me that I belived you had quite forgot there was such a creature living, and faith, it were no wonder, considering how well you pass your time when mine hungs so heavy on my hands. Yett I can't say that I have been idle these twelve days past, for I have had the toothack to as comfortable a height as any man could wish, so that it was imposible to find me without ether a tobaco pipe or brandy in my mouth. These two drugs I take to be the food of the divells, but to speak poetically, they have reign'd alternatly with me. What would you say who so latly saw me att London in the hight of bliss, wallowing in pleasure, rolling from —— to —— above the world, without care, thought, or sickness, if you saw me now, sitting in a corner exhaling mundangus, with a Judas beard ane inch long, dirtty linen, and a swelled face. . . . Pray, my dear, when you are idle, if you would revive the drooping spiritts of your poor freind, writt me a more particular account of affairs. I am not to tell you I am a kind of a poet. You know that already to your cost, and you are likely to be better informed very shortly if the Divill would forsake my gums so long as I might double it over. But I must shew you that I am a critick too. You remember the new tragedy of Fhædra and Hipolittus was extreamly cryed up, and particularly for some lines att the end of one of the acts, but I don't know which, not having the book by me; but if I remember right it begins—

Sorrow and joy in love alternate reign, etcett.

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[1] Original letter in the Mar Charter-chest.

Now I doe aver and maintain that this thought about the Nile is stolen from Spencer, canto first, stansa twenty-first, and because you may not have the book, I shall sett it down hear.

As when old father Nilus gins to swell
With timely pride above the Ægiptian vale;
His fatty waves do fertill slime outwell
And overflow each plain and lowly dale.
But when his latter ebb gins to avale,
Huge heaps of mud he leaves, wherein there breed
Ten thousand kinds of creatures, partly male
And partly female, of his fruitfull seed,
Such ugly monstrous shapes elsewhere may no man reed.

You may see, my lord, by this, that like my brother poetts I must be finding fault with other men's works. But I shall be so just to them, that whenever I am mad enough to publish anything of mine, they shall have full leave to toss them as they please, if anybody think it worth there while. I wish I could give you as hopefull ane acount of this country as you gave me of the Bath, but that I am sure you don't expect, for we have nether singing, dancing, nor playing, but for prayers, God ha mercy old Scotland.—I am, in all sincerity, dear Mar, yours, etcett.

My lord, if itt were not that your letters goes free I could not have the consience to writt so long to you, which I doubt you'll have patience to read, and I am sure you would have just reason to grudge the postage of such a letter. Butt bee as it likes, I am resolved to writt to you, and send you verses too, till you forbid me. These I send you now I shall say litle about them. The thought is none of my own, therefor I may the better say that it is good. Who the author was I know not, but I have seen it frequently done in English, and from that language have I paraphras'd it; for I belive it were needless to tell you that I understand nothing of the originall, which is Greek. How you may like it, I know not, but such as it is I send it. I shall say nothing for it, but that I was in more pain when I wrot it than the god was with his stung finger.

The last letter from the Earl of Haddington to the Earl of Mar is dated in the close of the year 1707, and refers to some political disagreement that had taken place between them, but which Lord Haddington was anxious should not interfere with their personal friendship. The letter is not signed, but begins thus:—

December 11th, 1707.

My dear Mar,—I had yours of the 25th of November. I am heavyly concern'd that your curst politicks are like to make differences betwixt freinds. But I hope it will goe no further than the parliment house, for I could not help myself when I was in parliment to differ in my opinion. But it was none of my fault if we were not as great out of doors as ever. This much for politicks, to which I am a perfect stranger except what the publick prints tells me. . . .[1]

Lord Haddington then passes to other matters, but from the discontinuance of the correspondence about this time it would appear that a breach did really take place.

At the close of the year 1707, the earl was elected an honorary fellow of the royal college of physicians, Edinburgh. His diploma as such bears date 3d December 1707.[2] Perhaps it was in recognition of services rendered towards the Union that the earl and several other nobles received this honour at this time. His interest in what was going forward in official circles is evinced by letters he wrote about this time to the Duke of Montrose. In one of these, dated from Edinburgh on 18th November 1707, he expresses the wish that some "understanding man" were down to see the "noble appearance we make with our government. I am sure it would give a disgust at them to all eternity. . . . Our folks hath no mind to quit with their beloved salarys." He adds, that they were devising twenty different schemes of government. A little later, on 15th December, in another letter he says the Scotch Court were in hopes that the clergy would rouse some excitement against the Union, as it was feared when the Privy Council was abolished there would be no court of appeal. They were also complaining that the militia would be expensive, and declaring that all the actions of "the squadrone" were wrong.[3] From Queen Anne's administration, however, the earl does not appear to have received any official or honorary recognition.

After the death of Queen Anne the Earl of Haddington took part in proclaiming George, Elector of Brunswick-Lunenburg, as king of Great Britain, etc., at Edinburgh, on Thursday, 5th August 1714. It was done with great pomp and rejoicing, though not without fear of interruption from the Jacobites.[4] This would seem to imply that Lord Haddington had at least some considerable influence among the ruling statesmen in Scotland, if not some office. Confirmation of this is given in a political song of the Jacobite party reflecting on the governing party, which is supposed to have been written about this time, and in which the earl is named. It begins:—

Shame fa' my een
If ever I have seen
Such a parcel of rogues in a nation,
The Campbell and the Grame
Are equally to blame,
Seduc'd by strong infatuation.

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[1] Original letter in the Mar Charter-chest.

[2] Original in Haddington Charter-chest.

[3] Appendix to Third Report of the Commissioners on Historical MSS., p. 377.

[4] Rae's History of the Rebellion, p. 62.

. . . .

No nation ever had
A set of men so bad,
That feed on its vitals like vultures.

. . . .

Haddington, that saint,
May rore, blaspheme, and rant,
He 's a prop to the kirk in his station;
And Ormiston may hang
The Torys all, and bang
Every man that 's against reformation.[1]

. . . .

The attachment of Haddington to the house of Hanover was still more strongly evinced when in the following year the Jacobites broke out into actual revolt. He was in London at the time, but returned to Scotland to aid in the suppression of the rebellion. He joined the Duke of Argyll at Edinburgh, and though he had only left London on the 9th or 10th of September, he accompanied the Duke to Stirling on the 16th.[2] He went as a gentleman volunteer, and in whatever other engagements he may have taken part, he was present at the battle of Sheriffmuir, which was fought on 13th November 1715. He was engaged on the right under General Wightman, and had his horse shot beneath him, while he himself was wounded in the shoulder. His bravery, however, made him conspicuous, and it was the right wing of the royalist army which secured the victory that day. The earl is mentioned in the ballad of Sheriffmuir in the following stanza:—

Brave Argyle and Belhaven,
Not like frighted Leven,
Which Rothes and Haddington sa', man,
For they a' wi' Wightman
Advanced on the right, man,
While others took flight, being ra', man.

The Jacobites also laid claim to the victory at Sheriffmuir, but as they retreated, leaving Argyll in possession of the field, their proclamation was a mere ruse to keep up the failing spirits of their followers. They gave out that Argyll, with only two regiments, was shut up and surrounded in Dunblane, with the Dukes of Roxburgh and Douglas, the Earls of Haddington, Rothes, and others, and that it was impossible they could escape being cut to pieces.[3] But the earl appears to have resided a few days at

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[1] The Lockhart Papers, vol. i. pp. 589-591.

[2] Rae's History of the Rebellion, p. 218.

[3] *Ibid.* p. 311.

Stirling Castle with Colonel John Blackadder, the governor, who, on 30th November, noted in his diary, "This day riding out and convoying away the Earl of Haddington;" and he adds, "The guests I have had here haue much enlarged my heart; there has been so much good humour, easiness, and, I hope, innocence."[1]

Doubtless in return for his services, Lord Haddington was, in the following year, 1716, created by King George the First a knight of the order of the thistle. He was about the same time appointed sheriff of the county of Haddington, an office which had become vacant through the death of Charles, Marquis of Tweeddale. The royal commission is dated 7th January 1716, and it was renewed to the earl on 6th February 1728, the holding of the latter commission being during the king's pleasure.[2] In the course of the same year, 1716, the earl was also appointed a lord of police, and elected one of the sixteen representative peers of Scotland, a position to which he was re-elected in 1722 and 1727. During the administration of Sir Robert Walpole he retired from parliamentary life, disgusted with the venality that was practised. This is referred to in an anonymous poem published at Edinburgh in 1734, entitled, "The Faithful Few," in which there is a stanza commendatory of the earl:—

> Mild Haddington, whose breast's with learning fraught,
> Receive the tribute of unpurchased praise;
> Thine is the honour to retire unbought
> And persevere in virtue's sacred ways!
> Nor less becomes the man the Muses love,
> And all the friends of liberty approve.

There is an extract of a letter from Alexander, Earl of Marchmont, to the earl, in this year, 1734, in reference to business then proceeding in parliament.[3]

The earl's parliamentary duties obliged him to reside in London during the later years of his life. From that city he wrote in March 1717 to Sir John Maxwell, Lord Pollok, then rector of the university of Glasgow, apologising for the active part which had been taken by his younger son, the Hon. John Hamilton, against Pollok's re-election as lord rector. He regretted the part played by his son, but trusted it would be ascribed to his childishness and the ill advice of his fellow-students, and assured his lordship of his own sincere respect.[4]

Thomas, sixth Earl of Haddington, on 14th February 1701, on his own resignation, received a charter under the great seal of the lands of Easter and Wester Broomhouses, in the counties of East and Mid Lothian.[1] He sold his lands of Melrose, in 1722, to Anna, Duchess of Buccleuch and Monmouth, for £18,399, 15s. 3d.[2] In 1725 he arranged the marriage of his younger daughter, Lady Christian Hamilton, to Sir James Dalrymple of Hailes, giving with her a tocher of £1500 sterling, for payment of which his son Charles, Lord Binning, granted his bond.[3] Later, on 26th July 1728, he obtained a charter of resignation under the great seal, to himself and Lord Binning, of the lordship of Tynninghame, and other lands in the counties of Haddington, Berwick, and Mid-Lothian,[4] and presumably about the same time, or a few years later, he made arrangements for the settlement which was to be made upon his younger son, John.

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[1] Life of Col. Blackadder, by Andrew Crichton, p. 473.

[2] Original Commissions in the Haddington Charter-chest.

[3] The Marchmont Papers, vol. ii. p. 21.

[4] Memoirs of the Maxwells of Pollok, by Sir William Fraser, K.C.B., vol. i. p. 90; ii. p. 368.

The earl possessed a taste for poetry, and was also himself a poet. But his poetic works were not so fortunate as his prose productions. After his death there was published a small volume entitled, "Forty select poems on several occasions, by the Right Hon. the Earl of H——n," and "Tales in verse, for the amusement of leisure hours, written by the ingenious Earl of H——n." Several of these poems and tales have been criticised as indelicate. But as they were surreptitiously collected and published after the death of the author, it would be ungenerous to hold him responsible for publications which he never saw. From his familiar letters to his intimate friend the Jacobite Earl of Mar, we learn that Lord Haddington occasionally sent him specimens of his poetry. But the poems which were enclosed in these letters do not now exist in the Mar Charter-chest. We cannot therefore judge of them in the originals of the author. These fugitive poems were obviously intended merely for the amusement of Lord Mar, without any idea of publication. Indeed, in his letter to Lord Mar, of October 16th, 1707, quoted above, Lord Haddington alludes to his being "mad enough" if he publishes any of his poetry. The author of them probably sent similar specimens of his poetic genius to other familiar friends on the same terms of confidence. It is probably these scattered fragments which were collected and published surreptitiously after the death of Lord Haddington, and under his name, or rather a portion of it. But not having the stamp of his own authority, any objectionable passages should not be too confidently attributed to him, as the two volumes are the work of an anonymous hand.

Besides his recreations with the Muse, Lord Haddington indulged in prose, to which no objection could be taken by the most fastidious critic. He was the acknowledged author of an interesting work on "Forest Trees." That treatise was so practically useful that a second edition was published, and was originally written in the year 1733, two years before the death of the author in 1735. It is in the form of a letter to his grandson the seventh earl. It was first published at Edinburgh in 1756, under the title of "A short Treatise on Forest Trees, Acquaticks, Evergreens, Fences, and Grass Seeds, by the Right Honourable the late Earl of Haddington." The second edition was published at Edinburgh in 1761, under the title of "Treatise on the manner of raising Forest Trees, etc." Both editions are substantially the same, although the second is slightly altered in form, being a letter addressed to his grandson, and containing more biographical details than the original edition.

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[1] Registrum Magni Sigilli, Lib. lxxvii. No. 56.

[2] The Scotts of Buccleuch, by Sir William Fraser, K.C.B., vol. i. p. 478.

[3] Original contract of marriage, dated 17th December 1725, in Haddington Charter-chest.

[4] Registrum Magni Sigilli, Lib. xcii. No. 42.

The earl is commonly said to have died at New Hailes, near Edinburgh, on 28th November 1735; but in his testament-dative he is stated to have died at Tynninghame in October of that year. This document contains an inventory of the earl's effects at the time of his death, and among other things therein noted are lists of prints and portraits in the family mansion. In the closet off the library-room were nineteen prints set in black frames, value £1, and a box with a reflecting telescope, value £4. In the closet off the yellow-room were twenty-eight prints, the family piece of Haddington, by Jamieson, the Countess of Rothes and Lady Susanna Cockburn, their pictures in gilt frames, the old Duchess of Richmond's picture, an old woman's head, a small picture, black and white, of Sir Thomas Hope, a coloured print of our Saviour's head, two draughts of Gibraltar, in black and white, five philosophers' heads in copper, Sir Thomas Moir's picture, a fool's head, Mr. Charles Hamilton's picture, those of Jerviswood and his daughter in gilt frames, an Earl of Mar, a Countess of Mar, the Duchess of Chatillon, General Hamilton, the second Earl of Haddington, and his lady, King Charles the Second in black and white; fourteen small family pictures, small pictures of the Princess Sophia, the Duchess of Montagu, and a small picture of the then Earl of Haddington, with his sister's picture on the back set in gold. Among the portraits in the velvet-room were those of the last deceased Earl of Haddington, the last deceased Earl of Marchmont, Lady Grisell Baillie, Mr. Baillie, and Lady Murray. In the large dining-room were those of the first Earl of Haddington, a Countess of Rothes, the Duke of Rothes, the Duchess of Rothes, the second Earl of Haddington, the Earl of Crawford, the Countess of Crawford, the Duke of Hamilton, his daughter the Duchess, another Duke of Hamilton, the Countess of Haddington, and four round pictures—two Earls and two Countesses of Haddington; also those of Thomas, Earl of Haddington, the Earl of Rothes, the Earl of Hopetoun, Lady Margaret Hope, and Charles, Earl of Haddington.

Among the other property mentioned in the inventory of personal effects were, "In the church of Tyninghame, a black cover for a church seat, four brown velvet cushions, all now lying in the wardrop." Also in the red-room, *alias* Lady Binning's, "a sett of Earles coronation robes, consisting of five peices of fine crimson velvit and erming, a sword and sword-belt covered with ditto, belonging to the same, and an Earles gilt coronet xiij lib.; item, the robes of the order of St. Andrew, consisting of four peices, and the cord with the tassells of green silk and gold vij lib.; item, a brown velvit night gown lyned with furr iij lib.; item, a pair of white gloves with gold fringes belonging to the coronation robes, vij sh." Along with some money in a "silk nett purse," was "a gold medal with the sun upon it." There were also among the earl's effects four seals set in gold, two with coats of arms and two with devices, the golden badge of the order of St. Andrew; a broad seal in silver, being the charter seal of the family, and a steel stamped seal, with the arms of the family. These two last-named seals were in one of the drawers of "My Lord's room," along with "a blood-stone head of a staff." Then of armour in the second table-room, "were thirty-one musketts and seventeen broadswords, viij lib.; item, five pair iron mounted pistolls, i lib. vi sh.; item, three pair brass mounted ditto, xviij sh.; item, a brass blunder bush, x sh.; item, a brass blunder bush pistoll, iij sh.; item, twenty-three bynotts, ij sh. vi d.; item, an old bigg sword, i sh.; item, a brass mounted targett, viij d.; item, two fowling peices, x sh."[1]

The earl was survived by his countess for fully thirty years. She died apparently in her house at Edinburgh on 19th April 1768. By her will, which she drew up shortly after her husband's death, and personally gave up on 28th April 1736, she appointed her younger son, the Hon. Mr. John Hamilton, advocate, her sole executor. At her death her household furniture, including silver plate, as "valued by Janet Lindsay, rouping woman in Edinburgh," was worth £355, 19s. 7d. sterling; and her books, as valued by John Balfour, bookseller in Edinburgh, conform to catalogue, were worth £2 sterling.[2]

The earl in his agricultural treatise gives due credit to his countess for the great improvements they jointly effected on the estate. Referring to what she did herein, Mr. MacWilliam, who wrote an "Essay on the Dry Rot, and Cultivation of Forest Trees," pays her ladyship a graceful compliment. He says that she did "to the honour of her sex, and benefit of her lord and country, overcome the prejudices of the sea and the barren moor being pernicious; and of horses and dogs being the best amusement for a nobleman, converting a dashing son of Nimrod into an industrious planter, a thoughtless spendthrift into a frugal patriot.

Thus can good wives, when wise, in every station,
On man work miracles of reformation:
And were such wives more common, their husbands would endure it;
However great the malady, a loving wife can cure it:
And much their aid is wanted; we hope they 'll use it fairish,
While barren ground, where wood should be, appears in every parish."

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[1] Commissary Records of Edinburgh, vol. 98, in General Register House, Edinburgh.

[2] *Ibid.* vol. 121.

Both the earl and his countess appear to have been buried at Tynninghame. An obelisk was erected in 1856, by Thomas, ninth Earl of Haddington, in Tynninghame Park, and bears the following inscription.

"To the memory of Thomas, sixth Earl of Haddington, born 1680, died 1735, who, at a period of the greatest national depression, had foresight and energy to set the example of planting on an extensive scale, and to be an active and successful promoter of agricultural improvement. Also to the memory of his wife, Helen, sister of the first Earl of Hopetoun, born 1677, died 1768, of whose valuable suggestions and assistance her husband has left an ample record. This obelisk was erected by their grateful descendant and representative, 1856."

Of the marriage of Thomas, sixth Earl of Haddington, and Helen Hope, his countess, there was issue two sons and two daughters—

I. Charles, Lord Binning, of whom a memoir follows.

II. Hon. John Hamilton, advocate. He was educated at the University of Glasgow, where he matriculated in October 1716, and took his place in the fifth class, then being taught by Andrew Ross.[1] He seems to have taken a prominent part in the disturbance which arose in the university during this first year of his attendance respecting the election of the lord rector. Mr. John Hamilton was one of the students opposed to the election of Sir John Maxwell, Lord Pollok, and in some measure to obviate the annoyance which arose therefrom to the lord rector—for Sir John Maxwell triumphed notwithstanding the attempts to displace him—the Earl of Haddington, as narrated in his memoir, wrote to Lord Pollok in apologetic terms. Mr. John Hamilton qualified for the legal profession, and was admitted to the bar as advocate in 1725. He was afterwards appointed to the office of cashier to the Board of Police. On 12th February 1736 he obtained a charter under the great seal of the lands and regality of Drem,[2] which some years previously, probably at the time of his marriage, had been disentailed from the Haddington estates, by virtue of act of parliament, which vested these lands in the hands of trustees for behoof of the earl's younger son. Two of these were Sir John Anstruther of that ilk, baronet, and John Cockburn of Ormiston. In due time he made up his title to this estate, which included rights over the numerous temple lands and tenements in the counties of Edinburgh, Haddington, and Fife. In 1748, on the abolition of heritable jurisdictions, the Hon. John Hamilton made a claim on account of his regality rights, but owing to the disjointed and scattered nature of the subjects, he was unable to determine the value of his surrender, and applied to the court of session by petition to do so. He suggested the sum of £3000, stating, as a justification for doing so, the valuable nature of the subjects, of which those located in the town of Edinburgh alone stood at the valued rental of £6302. His application was opposed by the Crown officials on the plea that his regality right was not vouched by sufficient evidence. But the lords of session decided in his favour, and assessed the surrender value of the right at £500. The lands of Drem passed, on the death of the Hon. John Hamilton, which took place at Edinburgh on 11th February 1772, into the hands of his four surviving daughters, who sold them to John Ferguson of Stronvar.[1]

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[1] Munimenta Almae Universitatis Glasguensis, vol. iii. p. 209.

[2] Registrum Magni Sigilli, Lib. xcviii. No. 154.

The Hon. John Hamilton married, on 8th December 1728, Margaret, daughter of Sir John Home, Baronet, of Blackadder, Berwickshire. She died on 27th December 1779. By her he had issue two sons and six daughters—

1. Charles, who was born on 15th September 1741, and died young.
2. ——, who also died young.

1. Catherine, who was born on 10th October 1729, and died young.
2. Margaret, who was born in 1730. She married, on 7th June 1753, James Buchanan of Drumpellier, Lanarkshire, commissioner of customs, and had issue.
3. Helen, who was born on 20th May 1734. She also died young.
4. Catherine, who was born in December 1736. She married, at Edinburgh, on 8th November 1758, Sholto Charles, tenth Earl of Morton, and had issue.
5. Helen, who was born in 1738, and married, on 3d December 1758, Dunbar, fourth Earl of Selkirk. She died at Bath on 28th November 1802, leaving issue.
6. Mary, who was born in 1740, and married Sir John Halkett of Pitfirran, Baronet, Fifeshire. She died at Dalmahoy on 3d December 1803, leaving issue.

The two daughters of Thomas, sixth Earl, were—

1. Lady Margaret, who died unmarried, at Edinburgh, on 22d February 1768.
2. Lady Christian, who married, contract dated 17th December 1725,[2] Sir James

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[1] Templaria, part i.

[2] Original contract of marriage in Haddington Charter-chest. It is dated 1724, but this error is corrected by a declaration which was drawn up on

Dalrymple of Hailes, Baronet, auditor of the court of exchequer. He died at New Hailes on 24th February 1751, aged fifty-nine years. His deathbed was attended by Dr. Alexander Carlyle of Inveresk, who mentions in his autobiography some instances of the loving care of Lady Christian for her husband.[1] They had a family of sixteen children, one of whom was the distinguished antiquary and lawyer, Sir David Dalrymple, Lord Hailes. Lady Christian survived until 30th June 1770, when she died at New Hailes.

24th December 1726, under the hand of Thomas, Earl of Haddington, his son, Charles, Lord Binning, and Sir James and Lady Dalrymple, stating that, though dated 1724, 1725 was the true date, and that the mistake had occurred through inadvertency on the part of the writer of the duplicate contract thus erroneously dated. This writer, who was John Pringle, son to Thomas Pringle, W.S., was also writer of the declaration which is preserved at Tynninghame with the contract.

[1] P. 210.

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XVI.—CHARLES, LORD BINNING.

RACHEL BAILLIE (JERVISWOODE) HIS WIFE.

BORN 1697. DIED 1732.

CHARLES, LORD BINNING, the elder son of Thomas, sixth Earl of Haddington, and Helen Hope, his countess, was born in 1697. He probably received his baptismal name from his maternal uncle, Charles, first Earl of Hopetoun. Little is known of the personal history of Lord Binning in early life. His father records the interest taken and assistance given to him in his agricultural operations, even from an early period of his life. When but ten years old, he suggested, and laid out a number of the walks in Binning Wood with most admirable taste.[1] He was still a youth when the rebellion of 1715 broke out, but he accompanied his father as a volunteer, and took part in the engagement at Sheriffmuir, showing great courage on the field. A letter to the Duke of Montrose, dated from Edinburgh, 21st October 1715, just shortly before the battle of Sheriffmuir, appears to have been written by Lord Binning. It states that on the preceding day (20th October), the anniversary of the robing of the peers, they had marched, with General Whitman at their head, to the Cross, with feathers in their caps, and there drank all the healths suitable to such an occasion.[2]

Perhaps as a token of the royal favour on account of his conduct during the rebellion, Lord Binning received a grant from King George the First of the office of knight-marischal of Scotland. The commission is dated 22d February 1718. The office of knight-marischal of Scotland was, in 1660, bestowed upon John Keith, first Earl of Kintore, brother-in-law of John, fourth Earl of Haddington, and he had held it until his death in 1714. Being hereditary, the office then devolved upon his son and successor, William, second Earl of Kintore, but, for taking part in the rebellion of 1715, he was deprived of it. It was now conferred upon Lord Binning for life, and there was attached to it an annual salary of £400 sterling.[3] On Lord Binning's death the office was restored to the family of Keith in the person of John, third Earl of Kintore. That Lord Binning was in possession of this office up to the time of his death is shown by an entry in the inventory of his personal estate given up by Lady Binning, his executrix.

In the first, the said umquhill Charles, Lord Binning, had addebted and resting owing to him the time of his decease foresaid, the debt and sume of money after mentioued, to witt, the sume of j^{c}v lib. sterling of salary as knight marshell of Scotland, resting at his decease, extending the said sume in Scots money to one thousand two hundred and sixty pound.[1]

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[1] Lord Haddington on Forest Trees, pp. 3, 9, 10.

[2] Appendix to Third Report of the Historical MSS. Commission, p. 377.

[3] Vol. ii. of this work, p. 316.

Charles, Lord Binning, seems to have inherited his father's poetic genius and wit. He must have written a considerable number of poems, but only a very few are now known. He wrote one on the battle of Sheriffmuir in a jocular strain, singing the praises of his own prowess under the name of Æmilius, and reflecting on the terror exhibited by his father, whose bravery, however, on the occasion was indubitable. Another poem which has been ascribed to him is entitled "The Vision," a satirical piece on the speech of Lord Belhaven upon the Union of 1707. But as this poem must have been written at a time when Lord Binning was only ten years of age, his authorship of it is, to say the least, highly improbable.

One poem, universally accepted as Lord Binning's, is a pleasing pastoral ballad entitled "Ungrateful Nanny." It has been frequently published. It begins:

Did ever swain a nymph adore
  As I ungrateful Nanny do?
Was ever shepherd's heart so sore?
  Was ever broken heart so true?
My eyes are swelled with tears, but she
  Has never shed a tear for me.

There are eight stanzas, each ending with a mournful plaint. If Nanny wished anything, Robin was always at her service.

I always thought on her, but she
  Would ne'er bestow a thought on me.

He tended her cows, made good her stolen sheep, filled her pitchers at the well and carried them home for her, carried her corn on his back to the mill, fed her poultry and pigeons, and concludes:

Her little pidgeons kiss, but she
  Would never take a kiss from me.

Must Robin always Nanny woo?
  And Nanny still on Robin frown?
Alas! poor wretch! What shall I do,
  If Nanny does not love me soon?
If no relief to me she'll bring,
  I'll hang me in her apron-string.[2]

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[1] Testament of Lord Binning, Commissary Record of Edinburgh.

[2] Gentleman's Magazine for March 1741.

The ballad known as "The Duke of Argyll's Levee," a composition of very doubtful merit, was also ascribed to Lord Binning, and frequently published under his name. The ballad itself bears to be by Colonel Charteris of Amisfield; but it was thought that Lord Binning purposely mentioned Colonel Charteris in the first person to throw the public off the true scent. The following letter by Lord Hailes, written to the editor of the Edinburgh Magazine, shows that the poem was not the work of Lord Binning:—

> The ballad, known under the name of Argyll's Levee, has been often printed, and Lord Binning has been held out to the public as its author. It is fit that the public should at length be undeceived. That Lord Binning was the author of that satirical ballad is reported on no better authority than vague popular rumour.
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> To this I oppose, first, the mild character of that young nobleman, who was a wit indeed, but without malice. Secondly, the assertion of his brother, who told me, that Lord Binning, before he went to Naples, where he died, solemnly declared that it was not he, but one Mitchell, the author of a book of poems, who wrote that ballad. . . . Give me leave to add, that the notes subjoined to the ballad are incorrect and unsatisfactory. It would be easy for me to explain the obscure passages in it. But it would be a task equally disagreeable and useless, to point out the meaning of obsolete scandal.—I am, Sir, yours, G.[1]

Lord Binning, as a poet, was the valued friend and associate of poets. It was to him that, in 1719, or even earlier, Sir John Bruce of Kinross sent for his opinion "Hardyknute," a poem in imitation of an old ballad, which was written by Sir John's sister-in-law, Lady Wardlaw of Pitreavie, but which was for a time believed by her friends to be a genuine relic of antiquity. Thus, in the letter sending it, Sir John Bruce says, "To perform my promise, I send you a true copy of the manuscript I found some weeks ago in a vault at Dunfermline. It is written on vellum in a fair Gothic character, but so much defaced by time, as you will find, that the tenth part is not legible."[2] His lordship's friendship also appears to have been cultivated by the literary spirits of his time, to whom his premature decline and death were cause of deep sorrow.

Charles, Lord Binning, married in or before 1720, Rachel, younger daughter of George Baillie of Jerviswoode and Lady Grisell Hume, the eldest daughter of Patrick, first Earl of Marchmont. Lady Binning was born at Edinburgh on 23d February 1696. She had an only brother, Robert Baillie, who died in youth, and an only sister, Grisell, the accomplished Lady Murray of Stanhope. Grisell was the elder daughter, but as of her marriage with Sir Alexander Murray of Stanhope, there was no issue, Rachel, Lady Binning, became sole heiress to her father's estates of Jerviswoode, in the county of Lanark, and Mellerstain, in the county of Berwick. Lady Murray wrote a memoir of her father and mother, and in it she makes reference to the very cordial relations which existed between Lord Binning and the Jerviswoode and Marchmont families. When Patrick, first Earl of Marchmont, was on his deathbed at Berwick in the end of July 1724, Lord Binning attended him. The earl was of a thin spare build, and was still more attenuated through age and sickness. When drawing near his end he was observed to smile, and Lord Binning, who was sitting by his bedside, inquired the cause. The earl replied that he was diverted with the thought of what a disappointment awaited the worms, as when they came to him expecting a good meal, they would find nothing but bones.[1]

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[1] Edinburgh Magazine, vol. iii. 1786, p. 218.

[2] Pinkerton's Scottish Poems, vol. i. Introductory Essay, p. cxxvi.

In 1731 the health of Lord Binning so failed that it was judged expedient he and his family should go abroad. Naples was selected as a likely place for recuperating, and both the father and mother of Lady Binning accompanied them thither, and kept them company during the sixteen months of their sojourn there. Lord Binning, indeed, absolutely refused to go unless they went with him. They were as fond of him, says Lady Murray, as they could be of any child of their own. His illness, which turned out to be consumption, proved fatal, though his mother-in-law, Lady Grisell Baillie, was most unremitting in her care of him. Lady Murray says :—

> If she could but guess what was agreeable to Lord Binning, it was done before he had time to wish for it ; and well did he deserve it from her, since no dutiful child could surpass his regard and tenderness for her upon all occasions. Not long before he died she was so ill that for two days she could not get out of bed to come to him. He soon missed her, and inquired earnestly after her. We made different pretences and excuses for her not coming, without owning she was ill ; but he very well knew that nothing but being very ill could keep her from him ; upon which he said, with the utmost tenderness, 'If anything ails mamma,' which was the name he always called her by, 'I 'll put my head under the clothes, and never look up again.' Her sorrow for his death was most heavy, which she showed even in trifles ; for never after would she wear anything of colours. One day, in an agony of grief, she said she could have begged her bread with pleasure to have saved his life ; and nothing did she grudge or spare to contribute to the preserving it, though at a time of life when ease and quiet was more natural for her to desire.

Lady Murray also gives some instances of her father's devotion to Lord Binning. He had hoped to spend the remainder of his life in retirement and repose, but yielded to Lord Binning's desire that he should accompany him to Naples.

> At Naples, where we were in a manner settled for sixteen months, he spent his time much in retirement, and to his own liking ; though he always came into the society we had in an evening, and diverted himself, generally kept them to supper, and showed a heartiness and hospitality not customary in that place, and gained the hearts and admiration of all, of

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[1] Memoir of Lady Grisell Baillie, by Lady Murray, p. 77.

which we had strong proofs in our great distress when Lord Binning died, by their being most useful and serviceable to us. Indeed, their affection and tenderness for Lord Binning, and admiration of him in his sufferings, which he bore with the utmost patience, resignation, and even cheerfulness and good humour, was motive enough to engage their attention to every one of us; which they exercised with the greatest friendship and humanity, and ought ever to be remembered with gratitude by this family. There were Italians, who were Roman Catholics, as well as English, who were constantly with us; and when my father was praying by Lord Binning in his last hours, they all joined with us, which was a great proof of their affection and condescension. My father's affliction was very heavy upon him, and he expressed it more strongly than ever I had heard him. Lord Binning committed and recommended to his care the education of his children, and said he needed give no directions about it since he was to do it. What he wished most earnestly was, to have them good and honest men, which he knew would also be my father's chief care.[1]

Lord Binning's death took place at Naples on 27th December 1732.[2] He was only thirty-six years of age. As his many fine qualities and accomplishments had procured for him and endeared him to many friends, his untimely removal was widely and deeply mourned. His epitaph was written by his friend and kinsman, William Hamilton of Bangour:—

Beneath this sacred marble ever sleeps
For whom a father, mother, consort weeps;
Whom brothers', sisters' pious griefs pursue,
And children's tears with virtuous drops bedew.
The Loves and Graces grieving round appear;
Even Mirth herself becomes a mourner here.
The stranger who directs his steps this way
Shall witness to thy worth, and, wond'ring, say:
Thy life, tho' short, can we unhappy call?
Sure thine was blest, for it was social all.
O may no hostile hand this place invade,
For ever sacred to thy gentle shade,
Who knew in all life's offices to please,
Joined taste to virtue, and to virtue ease:
With riches blest, did not the poor disdain,
Was knowing, humble, friendly, great, humane,
By good men honoured, by the bad approved,
And loved the muses, by the muses loved.
Hail! and farewell! who bore the gentlest mind,
For thou, indeed, hast been of human kind.[3]

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[1] Memoir of Lady Grisell Baillie, by Lady Murray, pp. 17-19, 80, 81.

[2] Testament in Commissary Records of Edinburgh, General Register-House.

[3] Poems on Several Occasions, p. 82.

A portrait of Charles, Lord Binning, is printed in the edition of Walpole's Royal and Noble Authors, edited by Thomas Park in 1806.[1]

His children, for whom Lord Binning expressed so much concern while on his deathbed, were, at the special request of his lordship, duly cared for by Mr. and Lady Grisell Baillie. As for the latter, Lady Murray says, "Her concern for Lord Binning's family was no less than for her own. I never knew her make a distinction in anything could be for their interest, or even pleasure." They were taken to Oxford in order to obtain for them the best education possible, and it was while there engaged in superintending the studies of his grandsons that Mr. Baillie died on 6th August 1738. Lady Grisell Baillie kept them two years longer at Oxford, then removing to London in 1740, sent them abroad for a few years' sojourn on the Continent. She then returned to Scotland.

> When her grandsons came home her joy was as great as it could then be for anything. Her indulgent goodness to them, with the freedom of a friend and companion, made everything easy to them. They had not a wish to make she could prevent, even by often doing what was neither convenient nor agreeable to herself.
>
> September 1744, it was thought proper her grandsons should go to London. As they were but just entering into the world, her knowledge, experience, and continual advice, could not but be of great use to them. Therefore she resolved we should all go together, though she owned, and it was most natural, that her desire was to end her days here in quiet.[2]

She was also concerned that her grandsons should be well and happily mated in life, and on her deathbed recommended them to read the last chapter of Proverbs.[3]

Mr. Baillie's property on his death passed to his daughter, Lady Murray, but her mother, Lady Grisell Baillie, had the liferent of all until her death in 1746. Failing heirs of the body of Lady Murray, the estates of Jerviswoode and Mellerstain were entailed upon her sister, Lady Binning, and her second son. On Lady Murray's death, in 1759, they accordingly passed into the possession of Lady Binning and George Hamilton, her second son, who assumed the surname of Baillie. His grandson, George Baillie, succeeded as tenth Earl of Haddington on the death of his cousin, Thomas, ninth Earl of Haddington, in 1858, and a notice of this branch of the family will be given on a later page.

By his testament, which was given up by himself on 2d September 1726, Lord Binning constituted Rachel, Lady Binning, his sole executrix, and left all his personal estate to her. She survived him for forty years, and died at Mellerstain on 24th March 1773, aged 78 years. They had issue five sons and three daughters.

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[1] Vol. v.

[2] Memoir of Lady Grisell Baillie, p. 93.

[3] *Ibid.* p. 102.

1. Thomas, who succeeded his grandfather as seventh Earl of Haddington, and of whom a memoir follows.
2. Hon. George Baillie of Jerviswoode, whose history and descendants will be found on a later page.
3. Hon. Charles Hamilton, who was born on 6th October 1725, and died in infancy.
4. Hon. John Hamilton, who was born on 22d October 1726, but died in 1730, in his fourth year, and was buried at Clifton.
5. Hon. Charles Hamilton, who was born on 3d October 1727, in the parish of East Barnet, Middlesex. He entered the army, and obtained a commission as lieutenant in the 3d regiment of dragoon guards on 29th July 1751. About four years later, on 12th March 1755, he received the command of a troop in the 1st regiment of dragoon guards. He was in active service in Germany, where he discharged the duties of deputy-adjutant-general. On 19th May 1762 he was promoted to the rank of major, and afterwards to that of lieutenant-colonel, acting as major of the 1st regiment of dragoon guards. He left the army in 1776. In 1792 he was appointed governor of the castle of Blackness, on the Firth of Forth, and continued in that office during the remainder of his life. He died at Tynninghame on 28th September 1806, in his 79th year, unmarried.

The daughters were:—

1. Lady Grisell, who married, at London, on 24th July 1745, Philip, second Earl Stanhope, and had issue.
2. Lady Helen Mary, who was born on 8th October 1724, and died young.
3. Lady Rachel, who died, unmarried, at Mellerstain, on 20th October 1797.

Binning

XVII.—THOMAS, SEVENTH EARL OF HADDINGTON.

MARY HOLT, HIS FIRST COUNTESS.

ANNE GASCOIGNE, HIS SECOND COUNTESS.

1735—1794.

THOMAS, seventh Earl of Haddington, the eldest son of the marriage of Charles, Lord Binning, and Rachel Baillie of Jerviswoode, was born in the later portion of the year 1720, or the earlier portion of 1721. Succeeding to the honours and estates of Haddington while in his minority, and living to an advanced age, he enjoyed these for fifty-nine years. This is a longer period of possession than any of his predecessors or successors: and yet, although he attained the age of threescore and fourteen years, there is not much of his personal history to record. As stated in the previous memoir of his father, Lord Binning, he accompanied him to Naples, and was with him when he died there in 1732. At the request of his father, his education was then taken charge of by his grandfather, Mr. Baillie of Jerviswoode, who brought him to the University of Oxford, and superintended his studies until his own death there in 1738. His grandmother, Lady Grisell Baillie, continued this supervision at Oxford for two years longer. From a letter of the Rev. George Hill, Principal of St. Mary's College, St. Andrews, to Charles, eighth Earl of Haddington, we learn that the Rev. John Hill, father of the Principal, was for some time tutor to Thomas, seventh Earl of Haddington.[1]

Three years after the death of Lord Binning, in 1732, Thomas, sixth Earl of Haddington, also died, on 28th November 1735. The honours and estates of Haddington were then inherited by his grandson, who, while engaged on his studies at Oxford, and since the death of his father, bore the courtesy title of Thomas, Lord Binning. He probably returned to Scotland to attend the funeral obsequies of his grandfather, and to make other arrangements consequent upon his succession.

In his "Memorials of Edinburgh," when narrating the circumstances of the execution of Captain John Porteous, captain of the city guard, by the mob in Edinburgh in September 1736, Sir Daniel Wilson states, from information by a gentleman whose great-grandfather, James Erskine, Lord Barjarg and Alva, had often assured his grandfather of the fact, that Lord Haddington, attired in his cook-maid's dress, took an active part on the occasion.[1]

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[1] Original Letter in Haddington Charter-chest.

At first sight the tradition appears to be very precise and plausible; but when closely examined it becomes less consistent. In the first place, the tradition is generally applied to the sixth Earl of Haddington, whose ardour had previously made him engage so gallantly in the battle of Sheriffmuir. But he could not have helped the Porteous mob, either in disguise or otherwise, as he was in his grave—having died in the previous year.

In the second place, although there was certainly an Earl of Haddington in September 1736, the date of the Porteous mob, his joining in it was very improbable. He was then only in his fifteenth or sixteenth year, actively pursuing his studies at Oxford under the anxious care of his maternal grandfather and grandmother, who had fixed their residence at Oxford for the express purpose of enabling them to superintend very closely the education of the youthful earl and his younger brother, in fulfilment of the dying desire of their father, Charles, Lord Binning. The seventh earl's establishment of servants being then at Oxford, he probably had no household at Edinburgh, and the disguise assigned to him is therefore doubtful.

In the third place, as the young earl was a stranger in Edinburgh, having been in his youth resident at Naples, and afterwards at Oxford, at the very time of the riot, he must have been unknown to the people of Edinburgh, and certainly to a tumultuous mob, even if he had not been in disguise.

In 1740, Lady Grisell Baillie removed the young earl from Oxford, and sent him to travel on the Continent with his younger brother, under the care of a tutor, the Rev. John Williamson, whose excellent character is portrayed at length by Mr. Neville,[2] and summed up by Pope in the single line—

In wit a man, simplicity a child.

They had met Mr. Neville, then Mr. Aldworth of Stanlake in Berkshire, Mr. Stillingfleet and some other gentlemen, first at Rome, and later at Geneva, together with whom, at the latter place, "they established a kind of community, or common room, where they passed their leisure hours in amicable or literary intercourse, admitting occasionally persons of different countries, distinguished either by any superior merit or singular peculiarity. Among other amusements, they occasionally read plays, and ultimately engaged in theatrical representations." Of this little society, which was very popular on the Continent, Mr. Neville writes thus:—"Nor in the great commerce of the world in which I have since been mixed have I ever found eight persons to whom I can at this hour more properly apply Horace's description of his own select party—

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[1] Memorials of Edinburgh, vol. i. pp. 194, 195.

[2] Literary Life of Benjamin Stillingfleet, vol. i. pp. 165-169.

> '—— Animæ, quales neque candidiores,
> Terra tulit, neque queis me sit devinctior alter.'"[1]

The earl was again in Scotland in 1744, but Lady Grisell Baillie thought it advisable that he and his brother George should spend some time in London, and she herself went thither with them, for, as stated in the previous memoir, she was greatly attached to them, and thought nothing too much to do for them. Mr. Williamson also remained with them during their residence in London.[2]

It was while the earl was residing there that the rebellion of 1745 broke out in Scotland, and it is not improbable that his lands and possessions in East Lothian suffered heavily during the victorious progress of Prince Charles Edward towards England. The Scottish nobles in London, headed by Lord Stair, wished to raise troops in Scotland which might operate in the rear of the rebels should they enter England, and the young Earl of Haddington gave his ready consent with them.[3] But the proposal was not carried into effect.

Little is known of the later life of this earl. He seems to have taken no prominent part in political affairs. Apparently he never desired to be elected one of the sixteen representative peers. But he attended the elections for many years, and took an active part in questions of general interest which occurred at several of them. The first election in which he took part after his majority was the election on 12th October 1744, when he voted by signed list.[4] At the next election, on 16th November 1752, the earl was present and voted, when Lord Cathcart was unanimously elected in room of Cosmo George, Duke of Gordon, deceased.[5] At the general election of the sixteen peers on 21st May 1754 the earl was present and voted. At the general election on 5th May 1761 the Earl of Haddington was present and voted for only eight peers, viz.—the Earls of Rothes, Moray, Eglinton, Abercorn, Loudoun, Dunmore, March, and Lord Cathcart. At that election the Earl of Rosebery voted for only thirteen representative peers. All the other peers voted for sixteen, being the statutory number. The earl was also present at elections in the years 1761, 1763, 1766, 1767, 1768, and 1770. At the first of these he also held a proxy for the Earl of Sutherland.[6] At the election on 2d January 1771 for electing another representative peer in room of John, Duke of Argyll, deceased, Lord Haddington took an active part, along with his relative Dunbar, Earl of Selkirk, in reference to the Earl of Stair, who was elected. The first question was an objection raised by the Earl of Selkirk to the signed list of the Earl of Errol, in which the name of the Earl of Stair and the names and designations of the witnesses were filled up in a handwriting different from that in the body of the list. Lord Selkirk protested that the list was therefore not validly signed, and to that protest the Earl of Haddington and Lord Elibank adhered.

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[1] Literary Life of Benjamin Stillingfleet, vol. i. pp. 73, 74, 169.

[2] *Ibid.* p. 104.

[3] Diary of Hugh, Earl of Marchmont, Marchmont Papers, vol. i. p. 124.

[4] Robertson's Peerage Proceedings, p. 245.

[5] *Ibid.* pp. 277-8.

[6] *Ibid.* p. 294.

At the same election a question arose whether any list from the person assuming the name of Lord Newark was valid, as the person assuming that title was not the heir-male of the body of Lieutenant-General David Leslie, in whose favour the peerage was granted. Lord Haddington and other peers adhered to the protest of the Duke of Buccleuch against that list.[1] Another protest of a more general nature was also adhered to by Lord Haddington. The Earl of Selkirk protested against the Earl of Stair's being returned as a representative peer, "because," he said, "the ministers of state have, contrary to the rights of the constitution, used undue influence relative to this election, by writing circular letters to the Scots peers in support of the Earl of Stair; sending these letters from the secretary of state's office to Edinburgh, thence transmitted to all parts of Scotland by expresses; thereby attempting to intimidate all who have dependence on the favours of administration from giving their votes in that unbiassed manner which is essential to the existence of liberty and our free constitution: for although these letters may be couched in terms apparently inoffensive, and evasive of their real and essential meaning, yet there is no man of common sense but understands the intention; and therefore I think it is the duty of those who wish for the preservation of the independence of the Scots peers to oppose all such illegal and unconstitutional attempts; and although the peers who have voted for the Earl of Stair may have strictly followed their own inclinations and opinion upon this occasion, against none of whom, nor against the Earl of Stair, is there any personal aspersion whatever hereby intended; yet I do protest for myself, and for those who shall adhere to this my protest, that the election in his favour is rendered null and void; and therefore that the Earl of Breadalbane is duly elected our representative, and ought to be returned accordingly."[2] To that protest the Duke of Buccleuch and Lord Haddington and ten other peers adhered. But, notwithstanding, the return was made in favour of the Earl of Stair.

At the general election held on 15th November 1774, the subject of the interference of the government in the election was again introduced. When the Duke of Buccleuch was called on to vote, his Grace read and delivered to the clerk a written declaration, in the following terms: "Before giving my vote in this election, I think myself called upon, in support of my own honour, and from the respect I bear to those lords for whom

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[1] Robertson's Peerage Proceedings, p. 361.

[2] *Ibid.* p. 362.

I am to give my voice, to declare that I do it solely from the conviction I have that they are truly worthy of this great and honourable trust. I should not have thought such a declaration necessary, if it had not been too notorious that modes of solicitation have been used in favour of most of them which I must disapprove of, as highly derogatory from the dignity of the Scottish peerage; and therefore I cannot give my vote for those in whose favour such mode of solicitation has been used, without publicly testifying to themselves, and to the world, that my votes on this occasion are given from no other consideration but the high respect I entertain for the noble lords in whose favour I am now to give my vote."[1] The minutes of election bear that before the Earl of Haddington voted, he declared that for the reasons contained in his protest at last election, and on account of the official letters and lists from the secretary of state sent previous to this election, he was not to vote for any of the peers whose names were in those lists, except the Earl of Breadalbane, and that he was also to vote for the Earl of Eglinton, whose name was not in said list, but for no other peer.[2]

The Earl of Selkirk made a similar declaration concerning his voting for the Earl of Breadalbane and the Earl of Eglinton. He enlarged upon the reasons of his protest and also upon the official letters and lists from the secretary of state sent previous to this election, and concluded with a proposal to petition the king that no such lists or letters should be sent for the future, in which he was seconded by the Earl of Haddington.[3] The Earl of Selkirk then gave in a written paper in reference to his proposal to petition the king, and appended to that paper the substance of his speech in favour of his proposal. The speech is of considerable length, and some passages in it show the warmth with which the proceedings of the government were resented. He said that the letters from government in favour of particular peers for election were circulated at first with some regard to decency, but that now with barefaced impudence they send their insolent nomination indiscriminately to every peer. The first intimation which he (Lord Selkirk), had of the death of his brother-in-law, Lord Morton,[4] was from that infamous letter brought by a government express in the middle of the night. In reference to resisting the letters of interference, he said: "We knew we could have made bustle and noise, but these were not our objects, for we disdained to be conjoined in clamour with such a worthless man as Wilkes, so justly the object of contempt and detestation in this country for the false and unmerited abuse poured out by him against it, and his execrable attempts to sow dissension between the two nations."

Lord Selkirk then drew a distinction between the king and the government in the matter of interference. The king he believed to be infinitely honester than any of the ministers. Their continued persistence, he said, in sending these letters marks their determined resolution to annihilate independence and reduce the peerage election to the despicable state of a *congé d'élire.* If they go on to make such strides as they have done of late years they may possibly ere long send here an absolute requisition, and command the return of their nomination with perhaps a body of dragoons at the gate to enforce obedience to their violation of the constitution.[1] Alluding to an objection stated by Lord Cathcart to his proposal to petition the king, that the peers had no power to debate on any business whatever, and could only vote, Lord Selkirk replied that though they could not debate on matters of state, they possessed an absolute right to consult on the elections. Every meeting of freeholders, he said, and the most inferior burgh corporations of Scotland, had that right, and was it possible that the peers had it not? He warmly resented such an idea, and with strong emphasis asked the question, "Shall the assembled peers of Scotland forget themselves so much as ever to doubt of this right?" Although defeated on this proposal to petition the king, Lord Selkirk continued to stir up his brother peers against the interference of the government in the elections. His exertions at the election of 1774 were not immediately successful. He himself was, however, elected one of the representative peers in 1787, and again in 1790.

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[1] Robertson's Peerage Proceedings, p. 377.

[2] *Ibid.* p. 378.

[3] *Ibid.* p. 378.

[4] The Earl of Morton married Catherine Hamilton, a grand-daughter of the sixth Earl of Haddington, and the Earl of Selkirk married Helen Hamilton, her sister.

Lord Haddington did not attend the elections in 1776, 1778, 1780, and 1782, nor did he send a proxy or list. At the elections in 1784 and 1787 he was present and voted. Another stirring election, on 10th January 1788, again brought Lord Haddington to attend and take an active part in it. There was only one vacancy to be supplied, through the death of the Earl of Dalhousie. Two candidates appeared—the Earl of Dumfries and Lord Cathcart. The earl received twenty-seven votes, and his opponent twenty-eight. The return was made in favour of the latter, but was challenged by Lord Dumfries. Among his supporters were the Prince of Wales as Duke of Rothesay, who voted by a list, and the Earl of Haddington, who was present and voted. One of the voters for Lord Cathcart was Lord Rutherford, and one for the Earl of Dumfries was Lord Colvill of Ochiltree—both by signed lists. These two votes gave rise to keen discussions in the House of Lords. Lord Haddington and the other supporters of Lord Dumfries petitioned the House against the vote of Lord Rutherford, and they were successful. The return was amended accordingly, which made the two candidates equal. But Lord Cathcart replied by a motion against the vote of Lord Colvill of Ochiltree, which was also attended with success—the vote being ruled bad. The return was re-amended, and stood in favour of Lord Cathcart with a majority of one vote as originally made. The last election at which Lord

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[1] Robertson's Peerage Proceedings, p. 383.

Haddington attended and voted was on the 24th July in the same year, 1788. The Prince of Wales, as Duke of Rothesay, also voted at that election by his proxy to the Earl of Lauderdale.

About 1780 the disturbed state of home and foreign politics gave rise to a discussion of expedients for the national defence. One of these was the establishment of county corps of militia; and in this phase of the question the Earl of Haddington took an active interest. Apart from the earl's own papers this is proved by the dedication to him of a small pamphlet in the form of "A Letter concerning the State of Arms in Scotland addressed to the Earl of Hadinton," and published in 1782 in reply to pamphlets on the same subject. The pamphlet is inscribed "To Thomas, Earl of Hadinton, *Quo non praestantior alter.*"

On 28th October 1750, the earl married Mary, daughter of Rowland Holt of Redgrave, in the county of Suffolk, England. She was the widow of Gresham Lloyd, by whom she had a daughter, Mary Lloyd, who married at Tynninghame, on 27th June 1763, as his second wife, John, ninth Earl of Rothes. Mary, Countess of Haddington, died at Edinburgh on 7th September 1785, and on 8th March of the following year the earl again married. His second countess was Anne, eldest daughter of Sir Charles Gascoigne, knight. Regarding this marriage and the settlements to be made in consequence of it, the earl had a conference with David Dalrymple, Lord Hailes, as well as with his usual legal adviser, and they both advised him in concert. In a letter to the law agent, Lord Hailes says:—

> Dear Sir,—L. H. was here to-day asking my advice. . . . He expressed much gratitude to me for my advice and observations; said that he had long *bound* himself—I think that was his phrase—never to be caution for any man. I answered that such a binding implyed only the resolution of the day, but that I thought it fit, as he must now be in habits of familiarity and confidence with M. G. that he should tell her beforehand that he meant to treat Mr. G. with all the respect and friendship due to a father-in-law, but that he was resolved on no account whatever to be engaged in money transactions with him, less or more. He seemed to think this reasonable, but I cannot say that he made me any promise to that effect.
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> L. H. state came down only to 1783. I desired to see a state to the present time. I promised on seeing a note of those particulars and of the settlements proposed to give my opinion in 24 hours. One reason for desiring to see another state was to gain a little time. But we must not try to procrastinate, for he is much in love, and has reconciled himself to a fault, and the only fault that he sees in her—her warmth of temper. There was something said in general as to the interest of the family of Hadinton; but this remained in generals. He seemed to consider L. B. as provided for already, and that the £1500 per annum in question was new cloath to be cut upon at pleasure. It was no business of mine to combat that notion, tho' I still hinted at the standing of the family; opposition would have fretted him. I cannot say that he saw his family interest so clearly as I did.

If M. G. has any fortune, as I have heard it reported she has, he either does not know it, or conceals his knowledge. Should she have that fortune I suspect, L. B. family will not be the better of it; for, on hearing what I said of the common report, he immediatly said, "*That* may help the children's provisions." But I suspect that he meant by that to add it to their provisions.—I ever am, dear Sir, your most affectionate humble servant,

DAV. DALRYMPLE.

Newhailes, 12th February 1786.

Lord Binning was much opposed to his father's second marriage, and on his account and for other prudential reasons the earl's advisers would evidently have been pleased if it could have been avoided. But as Lord Hailes says, the earl was too deeply in love for that, and they had to rest content with the limitation of the settlements as much as possible in Lord Binning's favour. In replying to Lord Hailes the law agent writes:—

Since the match must take place, I humbly think the provisions are not unreasonable, and cannot be objected to by Lord Binning, because, if his father inclined, he might go greater lengths. I desired the earl to remember that his grandson might have his jointure to pay. But I admitted that his lordship had a right to please his fancy, and to live up to his income; but I added that he would do injustice to his family if he involved himself in the least; that whatever he might at present think of his son's conduct, that he must always consider him as his representative, and ought ever to keep the rank and dignity he would have to support. All this was excessively well taken, and if new connections do not make him acquire new ideas, matters will go on better than expectations.

The marriage of the earl and Miss Anne Gascoigne took place at Edinburgh. She survived him, and married in 1796, at Petersburg, James Dalrymple of North Berwick, to whom she had issue, and died at Great Malvern on 21st June 1840, aged eighty years.[1] The Earl of Haddington died at Ham, in the county of Surrey, on 19th May 1794, in the seventy-fourth year of his age. By his first marriage he had issue two sons, and by his second one daughter, but only one of his children survived him.

1. Charles, eighth Earl of Haddington, of whom a notice follows.
2. Hon. Thomas Hamilton, who was born on 23d September 1758. He died at London on 1st August 1774, in his sixteenth year.
3. Lady Charlotte, who was born on 14th March 1790. She died at Bath on 3d May 1793, in her fourth year.

Hadinton

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[1] Gentleman's Magazine, vol. lxvi. p. 254.

XVIII.—CHARLES, EIGHTH EARL OF HADDINGTON.

LADY SOPHIA HOPE (HOPETOUN) HIS COUNTESS.

1794—1828.

CHARLES, EIGHTH EARL OF HADDINGTON, was born on 5th July 1753. He was the elder son of Thomas, seventh earl, and his countess, Mary Holt, and the only survivor of the children of that earl. He was probably called Charles after his grandfather, Charles, Lord Binning, who appears to have been named after his uncle, Charles, first Earl of Hopetoun. During his father's lifetime this earl had the courtesy title of Charles, Lord Binning. In his twenty-fifth year he was Captain of the Grenadier Company of the Duke of Buccleuch's Fencible Regiment, and continued in military service therein until 1781, when, as appears from the following letter, he was compelled by failing health to resign his commission:—

Grosvenor Square, 27th February 1781.

MY DEAR BINNING,—I have received your letter, and have applyed to his Majesty for his permission for you to resign your company in my regiment. I can assure you your letter gave me great concern. I am extremely sorry to lose you as an officer, but much more so for the reason that has obliged you to take this step. I am certain the whole corps will feel as I do upon this occasion. Take care of your health, and beleive me to be anxiously interested in your recovery. Sir William Maxwell will have your company, and I shall recommend Plummer to succeed Sir William. . . . —I am, my dear Lord, yours sincerely and affectionately, BUCCLEUCH.[1]

Lord Binning.

Lord Binning was on terms of intimate friendship with George Townshend, Baron de Ferrars of Chartley, afterwards second Marquis of Townshend, from whom he had the following letter, just on the eve of that nobleman being created Earl of Leicester, and which is interesting as giving the reason for his adopting the title of Leicester:—

Portland Place, April 25th, 1784.

MY DEAR FRIEND,—Although I am so ashamed of myself for having so long neglected writing to you (which I am persuaded you will be kind enough to attribute to its real cause, an habitual idleness, which is a very great misfortune to me), yet I will not wholly despair of forgiveness from you, and therefore venture to send you a few lines to inform you of an event which I flatter myself will not be uninteresting to you, viz., that I expect in a few days to be created an English Earl by the title of Leicester, which I chose on account of my being the heir of the antient Earls of that county, of the name of Bellomont. I have so little time at present that I cannot add any more in this letter than that I will promise you to be a better correspondent in future. Lady De Ferrars (though she has not the honor of being personally known to Lady Binning, any more than myself), joins me in desiring you to make our best compliments acceptable to her ladyship; and I have only to beg of you, my dear Byres, to believe me as much as ever, your very true and faithful friend,

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[1] Letter, Henry, third Duke of Buccleuch, to Charles, Lord Binning, in Haddington Charter-chest.

De Ferrars.

On 30th April 1779, when in his twenty-sixth year, Lord Binning married Lady Sophia Hope, third daughter of the second Earl of Hopetoun, thus increasing the alliances between the houses of Haddington and Hopetoun. Some years later, his father, the seventh earl, entered into a second marriage with Miss Anne Gascoigne, as noticed in his memoir. As remarked on a previous page, this union was displeasing to Lord Binning, and he expressed his feelings on the point to the family law agent, who was a personal friend, much valued and trusted by the family. In a letter, written shortly before the marriage, after commenting on his father and the lady and her connections, Lord Binning says:—"You know well that the wellfare of my family has ever been my hobby-horse, but if it must be ruined, it shall never be said that I have disgraced it. Everybody ought to listen to the advice of his friends, and even to the general opinion of mankind; but what is the good opinion of his friends and that of the public to any man if he is conscious to himself that he has acted wrong?"[1]

Other letters to his agent from the subject of this memoir, both as Lord Binning and Earl of Haddington, have been preserved, and are very characteristic of the writer. Thus in February 1787, apparently in reference to a question arising out of the succession to the well-known Lady Glenorchy, then recently dead, Lord Binning writes: "I understand you perfectly; it is most plain that I run no risk of pecuniary loss by Lady Binning claiming the *rino*, but I run *certainty* of plague and trouble in a —— bad cause if she does get possession. For then she will of course set about building this chapel, etc., etc. Now I have no objection, nay, I don't know what trouble is in a good cause, but in such a one as this, which I from experience know to be a very bad one, it is another affair. Therefor as you say very properly that things must rest at present, so be it, and when it is necessary to set them agoing again, . . . clap the saddle upon the right horse, if you can with propriety, I mean the back of Dame D'Arcy, and not that of your humble servant. If the dame proves not to be the executor, but Lady Glenorchy's nearest of kin, that will change the face of affairs."[2]

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[1] Letter to Mr. John Wauchope, W.S., 4th January 1786.

[2] Letter to Mr. John Wauchope, W.S., 20th February 1787.

In the same letter, dealing with the case of Warren Hastings, Lord Binning says: " I will lay you a wager that mine is as good information as any man's can be upon a subject which is not yet decided. It has taken so wonderful a turn, I mean wonderful because it was understood that government was to support him, which was not the case upon the division upon the Bigams, that leaves room for ample speculation; but this I know, that a *certain person* is in a furious rage about it, that the chancellor is still worse, and that no stone will be left unturned to let him off if he comes before the House of Lords. Whether their lordships will venture to do so or not is a question, but you will be not a little surprised to hear that some members of the Commons told me the other night, that before *they* came to a final resolution of empeachment it must be thoroughly weighed whether his having saved India did not plead his excuse for any other bad practices he might have been guilty of upon other occasions, or perhaps driven to from necessity, in order to accomplish that end, and that though *they* had voted that there was matter to empeach him upon, yet that they did not from that think themselves tied down to vote his empeachment if accounts could be balanced. You will please to observe that these gentlemen are English members no ways connected with Mr. Dundas, who by the by makes a pritty figure upon this occasion. Therefor do not believe (though I hope you will be right) that this matter is so thoroughly against Hastings as you have been told. One comfort is, that go as it will, his character is, and I believe deservedly, blasted. I can tell you farther, that wise men in opposition are not yet sure of getting at him, though they have very reasonable hopes. If things had gone clear for him, he would have been made a PEER in six weeks. Take this as my budget. The peerage was carried beyond expectation. I shall get to-morrow a correct list of the pro's and con's . . . The Dukes of Gordon and Athol voted against us, as did the Duke of Montague and his two brothers. Thank *Harry the 9th*." A postscript states " Wedderburn is upon the Norwich Committee, which if it does not kill him, will at least make him resign, I am afraid. The object of old Jervis[woode's] secret expedition is to plan offices for the peers new house! Bon!"

On the death of his father, on 19th May 1794, he succeeded to the honours and estates of Haddington. On the following day, he writes about the arrangements for his father's funeral, and thus refers to Lady Haddington :—" I have only one thought to do, which is to behave to my father's widow with kindness, for his sake as well as my own." Of the funeral he writes :—" The hearse shall be drawn by six horses, and the coach that follows by as many . . . the coffin of black velvet, which it seems is customary for his rank. The day of departure not fixed, but will be soon. . . . As to those to be asked, there are only the two brothers and the parson; Charles, the elder brother, being in England on duty. Cousins-german none exist except females;

cousins-german once removed, that is my father's cousin-german's children, are only Sir Charles Halkett and his brothers, and by marriage Sir James Hall and Sir George Home." He does not wish to go farther, as "our funerals have always, and I hope always will be, very private—the tenants, of course, will be specially invited by card." He also expresses a desire to ask Lord Elphinstone as a "cousin-german once removed of Lady Haddington," but objects to others of her relations or "clanjamfry."[1]

A little later, in July of the same year, Lord Haddington writes from London:—"Dear John,— . . . Your dismission from the seal[2] does not surprise me; I gave you a hint of it when I came to Ham, and I think you have great cause to complain as to the *mode*, as to the *intention* I believe not. I have had no converse with the higher powers since I came here, tho' I have had the chancellor (Lord Loughborough) to dine with me last Saturday, and Dundas on Sunday. The fact I take to be this, the Duke of Gordon was to have the seal, and they intended you to be deputy, I mean by they the Dundases. It was found necessary to take the admiralty, and as Lord William Gordon was to ride the Duke for £1000 per annum, they could not, contrary to all president, force the deputy on him. The fault lays in not saying so to you themselves, and that fault proceeds from the hurry and confusion of the times. This is the humble opinion of John Dudgeon,[3] and I shall not give it up easily. I am very much vex'd I confess, for which I am an ass, for I am sure there is *nothing*, especially what is past, worth vexation. . . . I came here for to-day and to-morrow to go to levee and drawing-room, as is the custom after being presented—my reception was more than gracious, for there was much butter, and well laid on." The earl then refers to the relations between the Dowager-Countess of Haddington and himself, and other domestic matters. "If there were no fools in the world I should be easy, rogues are rather pleasant fellows, at least one knows better how to work with them. Set a thief to catch a thief, let the dearly beloved John Craw work what is his name to the extremity; do not let it drop in any shape." He concludes with kindly wishes.

During his tenure of the ancestral baronies, Earl Charles made it his chief care to preserve and improve them. He seems also to have taken some interest in political life, both in his own locality and in the nation at large. The horrors of the French Revolution were then agitating Europe, and we find Lord Haddington, in August 1794, rejoicing over the reported execution, on 1st August, of "Robespierre and *all* his faction." . . . "If it proves not true I am disappointed, for I believe it."

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[1] Letter to Mr. Wauchope, 20th May 1794.

[2] Mr. Wauchope was deputy-keeper of the Great Seal of Scotland, under Hugh, third Earl of Marchmont, as keeper, who died 10th January 1794.

[3] This was a favourite expression of the writer.

He hints that this turn of events will affect British interests, even such a matter as the architecture of his own house. He was then rebuilding and improving Tynninghame, and in reference to it says, "As to Baxter's plan, tho' I like it in general, yet there are many things to alter, and particularly in the library part, so his section will be to change with the rest. I shall not be in haste, but of that hereafter. In the mean time let us hope that this Paris event has more than secured the building of my offices." In a postscript he adds:—"You must never give me as your authority for news—remember that."[1]

Politics at home also claimed his attention. Only a few months after his succession to the title, Lord Haddington attended a meeting of the election of a representative peer on 23d October 1794, and voted for his brother-in-law, James, third Earl of Hopetoun, who was elected.[2] At the next election, on 30th June 1796, when sixteen representative peers were elected, Lord Haddington was present, and voted for the sixteen peers who were returned. Again, at the election on 15th August 1798, for the election of one peer, Lord Haddington was present, when Hugh, Earl of Eglinton, was elected.[3] At the general election for sixteen peers held on 10th August 1802, Lord Haddington was not present, but he sent a list naming the sixteen peers who were elected. At the next two elections, on 16th June 1803 and 21st November 1804, Lord Haddington was not present, but sent a list in each case, naming Thomas, Earl of Kellie, who was elected at the second of these elections.

At the following election of sixteen peers, on 4th December 1806,[4] Lord Haddington was present, and was also a candidate, though unsuccessful. The contest was very keen, and his lordship took an active part in the proceedings, the account of which bears that he protested against receiving any vote from Lieutenant Alexander Home, claiming the title of Earl of Marchmont. His protest is appended to the minutes of the meeting, and as, from the peculiar circumstances of the claim, and the discussion which it created for many years, the protest is of general interest, it may be here quoted:—

I, Charles, Earl of Haddington, do protest for myself, and in name of all the other peers who shall adhere to this my protestation, that the votes of Lieutenant Alexander Home, of his Majesty's navy, assuming the title and dignity of Earl of Marchmont, shall not be received—that title having been for several years dormant, and no claim or right thereto has yet been substantiated conform to law by the said Lieutenant Alexander Home, or any other person, and that the clerks to this election shall not receive or reckon upon the votes of the said Alexander Home in making their return. HADDINGTON.

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[1] Letter to Mr. Wauchope, 14th August 1794.

[2] Record of Elections, vol. i. p. 152.

[3] *Ibid.* pp. 154-5.

[4] In a private memorandum to his agent preparatory to this election, Lord Haddington writes: "I see no reason because he refuses it [probably his vote], that the Duke of Athol should forget the warm part my son took in parliament in the Isle of Man business."

December 4, 1806.[1]

At the next general election of peers, held on 9th June 1807, the Earl of Haddington was present and voted for himself and the fifteen other peers who were with him elected as the sixteen representative peers.[2] At that election the Prince of Wales, as Duke of Rothesay, intrusted a proxy to Lord Elphinstone, and voted for eight peers. The Earl of Haddington was not one of these; and only one of the eight, the Earl of Balcarres, was included in the sixteen peers elected.

Lord Haddington attended to his duties as a representative peer in the House of Lords until 1812, when parliament was dissolved. He does not appear to have offered himself for re-election, as at the general election held on 13th November that year, he did not attend the election; but he sent a signed list, in which he named sixteen other peers as the representative peers. If he had wished for re-election, he would in all probability have been re-elected, and, according to the practice, have voted for himself instead of others as one of the sixteen representative peers. At that election Mr. James Walker and Mr. (afterwards Sir) Walter Scott, two of the principal clerks of session, attended as the returning officers under a commission from the lord clerk register. At subsequent elections (in 1824 and 1825) Sir Walter Scott appears as a returning officer under similar commissions from the lord clerk register.[3] At the elections in 1817, 1818, 1819, 1820, and at subsequent elections down to 13th July 1826, which was the last held previous to his death on 17th March 1828, Lord Haddington either attended in person at the elections, or sent a voting list.

The Earl was strongly attached to the Church of Scotland, of which he was a prominent member. He was patron of several parish churches, and was sometimes chosen as a commissioner to the General Assembly in the capacity of representative elder.

In 1798, the Marquis of Tweeddale, who was then lord-lieutenant of the county of Haddington, was compelled, on account of his health and domestic affairs, to seek rest. The Act of Parliament respecting lord-lieutenants required them in the event of personal absence to appoint three deputies to act in their office, and as his deputies Lord Tweeddale made choice of the Earl of Haddington, Mr. Buchan Hepburn of Smeaton, and Mr. David Anderson of St. Germains; the Earl of Haddington to be convener.[1] Fears of an invasion of the French were at this time agitating the country, and the enrolment and organisation of the citizens generally for purposes of defence were being actively carried on. The direction of this movement, so far as regarded East Lothian, consequently devolved upon the Earl of Haddington. Owing to the long extended and exposed nature of the coast of the county the responsibility and labour were great, but Lord Haddington entered upon the work with equal ardour and ability. A plan of action was drawn up by Secretary Henry Dundas, and circulated among the lieutenants of counties. The following is the letter received therewith by Lord Haddington :—

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[1] At the general election on 24th July 1818, the minutes bear that "the Earl of Marchmont being unable from blindness to read the names contained in the signed note of the peers for whom he voted, desired that his son might be allowed to read them, which was done accordingly." Record of Elections, vol. ii. folio 55. At the general election 1820, Lord Arbuthnott protested against "that person," styled Earl of Marchmont, voting at all. [*Ibid.* folio 99.]

[2] Record of Elections, vol. ii. folios 2-24.

[3] *Ibid.* folios 112, 115.

Parliament Street, 28th May 1798.

Mr. Dundas presents his compliments to the commissioners exercising the office of lord-lieutenant of the county of Haddington, and offers for their perusal a report drawn up by his order, which will bring under their view the measures which the zeal and spirit of our ancestors adopted at a period when the country was menaced by a powerful and insolent enemy.

This report and plan of action was indorsed and printed for circulation in the county by Lord Tweeddale and his deputies in conjunction with the other civil magistrates. In closing their own appeal, they say :—

Our implacable foes have already plundered and destroyed almost all the richest countries of Europe around them, and in which every man, from the highest to the lowest, has been involved indiscriminately in one common ruin; and the friends who invited them were always the first to suffer, as the traitors who had betrayed their own country could not, they said, be trusted by them. These enemies, diabolically envious of our happy constitution in church and state, and of that internal tranquillity and happiness which they see we enjoy and which we must be conscious in our own minds we really possess; have declared and avowed, in their impudent and malignant wrath, that they will accept of no terms of peace, or enter into any accommodation with us; and that nothing short of our utter ruin and extermination can satiate their unprovoked and unprincipled resentment against us.

Every manly, every noble, every generous, and, at the same time, every indignant feeling the human mind is capable of exerting and of calling forth to action, must be awakened and roused in the breast of men placed in these circumstances. Our religion, our laws, our king, our country, our own existence and that of our families, and, in short, everything that we can call dear to us, is at stake.

Our fleets and our armies are all prepared, and we have everything, under God, to hope and to expect from their well-known vigilance, their skill, their gallantry, and their courage. But let it not be said, let not our brethren in these fleets, and in those armies, have it in their power to reproach us with being either backward or careless in standing forward in our just defence if the danger shall approach our shores. Let us therefore unite, and let us, in time, cordially adopt those wise and salutary measures which the paternal solicitude of our gracious Sovereign, and the wisdom of his councils, have suggested for our defence; and being thus trained and prepared, we shall, like our forefathers, meet our unprincipled, boasting, and insulting foe, firm and undaunted; and let us teach them, *Nemo me impune lacesset.*

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[1] Letter, Marquis of Tweeddale to Earl of Haddington, Yester, 9th May 1798.

Lord Tweeddale's absence lasted only for a short time, as he was again actively fulfilling the duties of his office in 1801, when a similar contingency arose. Acting upon instructions from court he convened the lieutenancy of the county on 23d September, when the making of the arrangements requisite for the defence of the county was intrusted to a committee, of which Lord Haddington was chairman, and which recommended the adoption of measures similar to those taken in 1798. This was done, and thus it is evident that the Earl of Haddington was very closely associated with Lord Tweeddale in the government of the county during the latter's lieutenancy. When, therefore, the office became vacant by the death of the Marquis, who fell a victim to the "implacable foe" at Verdun, in France, on 9th August 1804, it was most natural that it should be conferred upon the Earl of Haddington, as it was in the same year by King George the Third.

During his tenure of the office of lord-lieutenant of the county of Haddington, the earl discharged all his duties with scrupulous care and exactness. His work, though frequently both anxious and perplexing, was characterised by thorough method. About 1808 the conversion of volunteer regiments into militia establishments was made, and the arrangements connected with the local transference, and appointment of officers, entailed much labour on Lord Haddington, especially as some delicate changes were found expedient. These regiments were under his control, and in the end of the year 1819, when disturbances were feared from those who were then clamouring for, among other things, the repeal of the Corn Laws, and parliamentary reform, sudden demands were made upon the earl for military assistance. Conflicts between the military and the people had already occurred, an instance of which was the field of Peterloo, at Manchester; and the following letters to the earl at this time show the fears of the authorities.

One letter from J. Clerk Rattray, who, in an accompanying private note, informs the earl that in consequence of the illness of Lord Lothian, he is acting as a county magistrate in communication with the crown officers, and that he expects a conflict on the following day, is as follows:—

Edinburgh, Princes Street,
Sunday Evening, December 12th, 1819.

My dear Lord,—As acting deputy-lieutenant in this district and being in communication with the commander of the forces and those officers that act for him, I beg leave to intimate to your lordship as lord-lieutenant of East Lothian that the services of the corps of Yeomanry Cavalry in your county will be required.

I therefore suggest to your lordship the expediency of calling out for service the two troops in East Lothian immediately. When they assemble at Haddington they will receive a rout from the quartermaster-general to move on to Dalkeith and Musselburgh, a troop to be billetted at each place.

This measure is deemed a necessary precaution in consequence of Sir John Hope having moved to Hamilton with the whole Midlothian Yeomanry Cavalry, and it is proper to have some force to act in this quarter should the Reformers rise about Edinburgh, or any movement of those from the west country.—I have the honour to be, my dear lord, your most obedient and faithful servant, J. CLERK RATTRAY.

This was followed by another letter from the deputy-adjutant-general, which is as follows:—

Adjutant-general's Office, Edinburgh,
13th December 1819.

MY LORD,—Major-General Sir Thomas Bradford, commanding his Majesty's forces in North Britain, having from various sources of information judged it indispensably necessary to move in force upon the west of Scotland, taking all the regular military, both cavalry and infantry, as well Sir John Hope's and Major Hamilton's corps of Yeomanry from this county, leaving the castle, etc., to the care of the Royal Edinburgh Volunteers, and a few weak depots of Scotch regiments,—not 50 men in the whole; in this unavoidably defenceless state, added to a bad spirit having shewn itself this day towards the Yeomanry as they moved off, and something of a similar nature towards the Volunteers on the Castle Hill as they dismissed this evening, I beg leave, with all due submission to your lordship's better judgement, to suggest the Yeomanry of East Lothian being forthwith ordered by your lordship to assemble and move upon Musselburgh and Piershill Baracks, an arrangement I am confident would meet with the commander of the forces' decided approbation at the present moment, which requires every necessary precaution to be early adopted, and of which I shall inform him by post this day—that time might not be lost should your lordship think proper to put the Yeomanry in motion. I have taken the liberty to enclose two routes, which can be filled up by the commanding officers upon your lordship's arrangements being made. I trust existing circumstances will plead my apology for thus troubling your lordship, and I remain, my lord, with the greatest respect, your lordship's most obedient servant,

G. H. B. WAY, Lt.-Col.
Dy.-Adj.-General, Edinburgh.

The Earl of Haddington, etc., etc., etc., Tyningham.

After holding the office for nearly nineteen years, and when age and infirmity began to prevent his exercise of it with the same punctuality, he resigned it into the hands of the Crown in the year 1823, when he was succeeded by the Marquis of Tweeddale.

In September 1802 we find the Earl of Haddington arranging for the marriage of his son, Lord Binning, with the daughter of the Earl of Macclesfield. He then wrote to the latter about settlements, and concluded: "I flatter myself that your lordship has no doubt that as my means increase my son will partake of what I have. I am this instant favoured with yours of the 30th [August] from Shirburn Castle, and am at a loss to express my satisfaction at the opinion you have formed of my son. I shall only say that, as he has never in his life given me cause for a moment's vexation, I most earnestly hope his future conduct will be such as never to make your lordship regret that you have put your daughter under his charge."[1]

In August 1805 the earl writes to his agent:—"DEAR JOHN,—The baron[2] and his wife arrived on Saturday, and for their sins went to the ball, much against the grain. *Nota bene.*—Haddington balls a great cess. . . . I send a shabby pair of grouse for want of more, very scarce, and many shooters in Lammermuir. We had much rain for an hour this morning early, since that, too hot to walk. I, however, have watered some young trees, and am in a stew. Invasion seems the word. The learned seem to expect that Nelson will fall in with the fleets. I hope they will not be disappointed; the seamen seem sanguine on that head, which is good. Novels I have none. Jerviswoode and his spouse were here, and the Napiers left us on Saturday."[3] It may be added that in regard to his wish for the success of Nelson, the earl was not disappointed. That admiral did find the French and Spanish fleets, of which he was in search, and the seamen did their duty at the famous battle of Trafalgar on 21st October 1805.

In 1807, we have in another letter a glimpse of Court life, giving Lord Haddington's opinion of the health of King George the Third. The letter primarily refers to what appears to have been an application by Mr. Wauchope for the office of postmaster. Lord Haddington writes that he is just dressing to go to Court, that he had dined with Lord Aberdeen, where he had met Lord Melville, who had not given much hope as to the appointment. Later, he wrote: "I have been at the levee, and was surprised to see the king less altered than anybody else; indeed, in some particulars, I think him better. He is less red in the face, and his complexion much improved; he has more belly, but not much, his manner steady and cheerful. I do not think it possible that any man turned of sixty-nine can possibly be better in every respect. He promises to live to a great age. . . . I am going to the club of peers and commoners of Scotland, friends of Mr. Pitt, and am in the chair."[4] Two days later Lord Haddington wrote from London:—"One does not in this little town always find those they want. I am just come from

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[1] Copy letter to Earl of Macclesfield. 3d September 1802.

[2] Lord Binning.

[3] Letter to Mr. Wauchope, 13th August 1805.

[4] *Ibid.*, 8th July 1807.

Robert Dundas, and all the fat is in the fire. Lord Sandwich has already given away the postmaster to one Grant. Lord Melville does not know it yet. I have only to say that I am sure Robert Dundas wishes to serve you."[1]

Another letter, probably written at a later period, asks Mr. Wauchope to defer an intended visit, which, owing to other engagements, the earl said, "deranges me cursedly." He adds: "I have settled the dispute about the low road, and got it unanimously settled yesterday (eleven present) at Dirleton, to erect tolls, and a committee appointed with full powers to *act and re-act*. We were all honey, and are beginning to act like gentlemen. I hope it will hold. The rain yesterday I value about £30,000 to this county."[2]

One of the earl's correspondents was the talented Lady Hester Lucy Stanhope, granddaughter of William Pitt, first Earl of Chatham, and sister of Philip Henry, Lord Mahon, afterwards fourth Earl of Stanhope, to whom she was devotedly attached. There was a near relationship between the two families. Both the Earl of Haddington and the father of Lady Hester, Charles, third Earl of Stanhope, were named after their common grandfather, Charles, Lord Binning. Charles, Earl of Stanhope, was the son of the Hon. Grisell Hamilton, eldest daughter of Charles, Lord Binning, and his wife Rachel Baillie of Jerviswoode, who married Philip, second Earl of Stanhope.[3] During the period of this correspondence, the earl's aunt was still alive, and is frequently referred to by Lady Hester as Grandmamma Stanhope. Lady Hester acted for some time as private secretary to her uncle, William Pitt, who obtained for her a pension of £1200. She attended him through his last illness, and after his death went to Syria. There she established herself at the old convent of Mar Elias, adopted the style of an Arab chieftain, and came to be looked upon by the inhabitants as a prophetess. She died there in June 1839.

She corresponded with the earl, chiefly about her brother, Lord Mahon, who, becoming involved with the French revolutionaries, was thrown into prison on the Continent, and only escaped with difficulty through a device of his sister. Their father, having imbibed the principles of the French Revolution, and associated himself with its supporters, Lady Hester sought and found refuge for herself and her younger brothers and sisters with her uncle, Mr. Pitt. Lord Mahon, however, was already in the toils.

In replying to a letter from Lady Hester, dated from Burton Pynsent, one of Pitt's residences, 29th March 1801, Lord Haddington writes:—

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[1] Letter to Mr. Wauchope, 10th July 1807.

[2] Letter to Mr. Wauchope, Tynninghame, 31st May [no year].

[3] Thomas, ninth Earl of Haddington, left a holograph memorandum as follows:—"Philip, second Earl of Stanhope, told my father that the old Lord Shaftesbury told him that when he was a very young man at the Hague an old lady of very high rank assur'd him that she was present when Charles 2d. married Lucy Walters, the mother of the Duke of Monmouth." [Original in Haddington Charter-chest.]

Friday Night, 3d April 1801.

My dear Lady Hester,—Nothing but my anxious desire to answer your letter of the 29th March, received this morning, could make me take up my pen at present, as I am confused by a violent pain in one eye which proceeds from cold, and tho' only an evil of a passagery nature, will excuse brevity, and perhaps some indistinctness. I am truly happy that your brother is in all probability comfortably and advantageously settled, and I have no doubt he will prove everything his friends can wish, both in public and in private life. . . . Your grandmother, Lady Stanhope, has not written to me since your brother's departure, nor I to her. She was in the habit of writing to me from time to time kind letters of enquiry, but at no time confidentially. . . . Your dear mother,[1] of whom you can have but a faint remembrance, if at all, . . . was a woman rarely to be met with, wise, temperate, and prudent, by nature chearful without levity, a warm friend, and free from all the petty vices that attend little minds. I am sure if she could now communicate her ideas, her advice to you would be to act steadily without fear, when you had well considered what was to be done, to do all the good within your reach in the present circumstances of your family, and where it should seem helpless and out of reach, to preserve as much as possible a prudent silence to all but tried friends. . . . Lady Haddington joins me in every kind and affectionate wish, and I remain, your most affectionate cousin, Haddington.

Lady Hester replies on 9th and 16th April following, and in the second letter says:—

I think I am not like Grandmama S., as I have troubled you sufficiently with my family affairs. Lady Chatham desires I will name her kindly to you. She has taken away my letter, or rather expressed a wish to keep it, from the character it contains of my dear mother. You have no idea what a sweet, amiable creature my cousin Harriet Eliot is, and what friends we are. She is now in town with Lord Chatham. My best love to dear Lady Haddington.—Your affectionate cousin, Hester Stanhope.

From the post leaving this place so early in the morning, all letters must be written the day before. How beautiful Lady Halkett still is! I shall see her again at Bath, I suppose.

In another letter, dated 8th May 1801, Lady Hester mentions her return from Bath, and having met Lord Binning at Oxford, where she spent a day. She says:—

I think my coz. very delightful, and he appeared to derive great pleasure from the accounts I gave him of Mahon. I have received a large packet of letters from M. of late, but the promised one for Binning has not yet reached me. I enclose you one of Mahon's letters. You may judge a little whether or not I can avoid being anxious about this amiable and once unfortunate being.

The letter from Lord Mahon is an interesting one, and may be given at length. It is dated from Erlangen, where, as Lady Hester had already informed the Earl of Haddington, her brother had found a safe and agreeable retreat at the court of the

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[1] Lady Hester Pitt, sister of William Pitt, the great minister.

Margravine, "a woman of great merit, amiable disposition, and possessing great knowledge of the world, with much active friendship." Lord Mahon writes as follows:—

Erlang., April 6, 1801.

You will receive this, my dear Hester, from the hands of Mr. ——,[1] who leaves this place next week, and who intends to pass through Holland on his return home. I send you, my dearest sister, a miniature which I beg that you will have the goodness to accept, as a small but sincere token of my unspeakable affection. I am sorry that it is not better executed, and more worthy of your acceptance; but such as it is, I thought that you would wish to have my picture, and I therefore send it, as a mark of the gratitude which I owe to you for your many kindnesses, and which I should wish to evince as well in small matters as in the greatest. It shall ever be the study of my life to act in such a manner as to give you reason to be satisfied with my conduct, and to show the world that I am worthy of being your brother, an honour which those who have the pleasure of being personally acquainted with you will not deem inconsiderable. You know how happy and overjoyed I am at having obtained my liberty, and I leave you to imagine the gratitude which I must feel for a person by whose kindness and unceasing assiduity I have been so happy as to acquire it. There is one circumstance, my dear Hester, which gives me pain, and which I cannot reflect upon but with regret. I lament that in the letters which I wrote to you from Ch——, I drew too faithful a picture of my situation, and represented in too lively colours the miseries which I suffered. I thus increased the natural anxiety of your mind, and by the uneasiness which it created, brought on your present ill state of health. I thus consider myself as the innocent cause of your sickness—a sickness which I the more lament, as I am conscious that it was produced through my imprudence. I ought to have concealed in a great measure the horrors of my situation, and to have drawn a veil over my own wretchedness, which to a mind formed like yours, to pity and alleviate the misfortunes of others, must have caused the greatest distress. You bore with an heroic fortitude, with an unbroken spirit, and with an unexampled good humour, your own situation. It was duty to have imitated your example, and not to create distress in the mind of one for whom I have the greatest possible affection, by telling so melancholy a tale of my misfortunes. I indulge, however, my dearest Hester, the pleasing hope that as I am now as happy as I before was miserable, and as my situation is now become as pleasant as it was formerly odious, that you will endeavour to dispell the gloom which surrounded your mind, and restore yourself to your usual good health by banishing every idea which can cause you uneasiness. ——[2] will do himself the pleasure of paying you a visit soon after his return home, and I hope to hear from him a favourable account of your health. I shall only add to what I said in a former letter, that I have had no reason to alter, but on the contrary every reason to increase, my good opinion of him. I believe him to be [a] man of strict integrity, and he gives me his candid opinion on every subject with an honesty and sincerity which does him the highest honour. This is another proof of your discernment. I do not believe that you was ever deceived in the judgement which you had formed, such is the intuitive penetration with which you perceive the characters of those who surround you, nay, even of those with whom you have formed only a slight acquaintance.

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[1] Word blotted out by Lady Hester, but is "Rice."

[2] Rice.

I have little genuine news to tell you, except that, luckily for Europe, and indeed for the whole human race, that madman, the Emperor Paul, is gone on his journey to the other world. Some suppose that it was a little poison which relieved him of all the cares and anxieties of royalty. The English fleet passed the Sound on the 30th, and arrived before Copenhagen, where they laid at anchor, only one mile distant from the harbour. I hope that we shall be able to send all these scoundrels the Danes and Swedes to the D——l unless they will desist from their unjust claims and abandon the coalition. It is nonsence for me to write all this as it will become stale news to you long before this reaches England. However, the troops from Anspach, Bayreuth, etc., march here as to a place of rendevous, the day after to-morrow, and they will go from hence next Wednesday on a *secret* expedition. The king of Prussia has taken Hanover with all possible formalities, *et selon les regles.* The Danes are knocking at one of the gates of Hamburg, and the Prussians at another, begging to have the honour of paying them a visit, but the Hamburgers desire to be excused saying that they [are] not at home. This is all the news I have to tell you. Adieu, my dearest Hester, and believe me, ever affectionately yours,

H. PHILLIPS.[1]

Right Honble. Lady H. Stanhope.

In replying to Lady Hester, which he did on 17th May 1801, the Earl of Haddington mentioned his having had a visitor, who had been somewhat indiscreet in divulging information about her brother, and suggests how the danger might be averted. In this letter he says:—

I mention no names, first, because our postmistress here is notorious for opening letters, tho' I believe she is now afraid to pry into mine; 2d, because this may miscarry as you are shifting place. . . .

By the bye, never trust to blotting out a word in a letter. Those you blotted out I read by holding the letter to the window quite clearly. I did it not from idle curiosity, but to ascertain the fact to warn you of it.

Writing again from Lyme Regis, Dorset, on 13th September 1801, Lady Hester Stanhope refers to a projected visit by Lord Binning to her brother at Erlangen. She also, in concluding, sends a message to Lady Haddington, as "most mammas" she says "like to hear their sons' praises. Her's then was spoken of by Mr. Pitt in *very* high terms of approbation." She then adds:—

I do not hardly know how to speak of persons to themselves, but Mr. Pitt likewise mentioned you with the greatest kindness. I think from the usual length of my letters I have never had room to mention this before, which tho' in itself of no consequence, proves to you your friends sometimes think of you. I hope poor Col. Hamilton is better. I heard from Charles Baillie, how indifferent he had been. So George is married at last! Is his wife not a beauty? By what I can understand the female part of the family at C. are very well, but if you know anything concerning G M. S.[1] you would oblige me by giving that information, as I must ever feel a lively interest in everything which relates to that excellent tho' misguided woman.—Believe me, my dear lord, yours affectionately, H. S.

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[1] An assumed name formed by transposition, Lord Mahon's Christian names being Philip Henry.

In the following year Lady Hester went abroad for a sojourn on the Continent. She wrote from Turin, 27th October 1802:—

My dear Lord,—You will not, I trust, take it ill that I left England without congratulating you and dear Lady Haddington upon your son's approaching marriage. Being at Walmer during Mr. Pitt's illness so compleatly employ'd my thoughts that I neglected writing many letters I otherwise ought to have written. I have remained in perfect ignorance of every transaction both in public and private life since I left England; there[fore] the marriage I here allude to may very probably have taken place. If so, pray transfer to the bridegroom Mahon's and my united congratulations and good wishes. This dear boy joined us at Lyons. He has left Germany for good, and proceeds with me to Italy, where he will embark for Gibralter to see dear Charles, and then return to England to see what he can make of his affairs. I suppose you know our guardian angel has appointed him lieutenant-governor of Dover Castle, which is a very pleasant thing considering *who* is his neighbour. . . . .

The last letter from Lady Hester to be noted here is from Walmer Castle, 15th November 1803, after her return from Italy. She thus writes:—

My dear Lord,—I will follow your example and make no excuses for not being a regular correspondent; but I cannot omit saying how much pleasure your letter gave me, and how happy I felt at being able to return your congratulations upon my being here. To tell you the kindness with which Mr. Pitt conducts himself towards me would be a difficult task. . . . Mahon has taken a house near Dover,[2] and is to be married next week. I like Catherine Smith extremely. He could not have made, I believe, a better choice. Lady Carrington, I admire particularly; she is a sweet, amiable, sensible, and domestic woman; he an excellent freindly man. Upon the whole, all things considered, the connection is a desireable one. . . . After the history of the family I must tell you a little new of the French. We took one of their gun-boats the other day, and as soon as it came in, Mr. Pitt, Lord Camden, Charles, and myself took a Deal boat and rowed alongside of her. She had 2 large guns on board, 30 soldiers, and 4 sailors. She is about 70 feet long, and only draws about 4 feet water, upon the whole, an ill-contrived thing, and so little above the water that had she as many men on board as she could really carry, a moderate storm would wash them overboard. Having seen enough of their rascally regiments I certainly pronounce these picked men. They were well clothed, provided with everything, an imense cask of brandy, and a certain quantity of provision. They appeared neither low or mortified at being stared at or talked to, nor did they sham spirits. They simply said they should soon be retaken, for it would be all over in less than two months, and seemed perfectly at their ease; and Frenchmanlike, some of them were dressing their hair, and many attending in some way or other to the decoration of their person by pulling up a prodigious black stock over their chin, or giving a knowing air to a very large cocked hat, with a horrible national cockade in it, which badge of rascality constantly occasions a thousand reflections not of the most pleasant nature. Some wise people say they never will attempt to come here. I differ with them, be they who they may. I have seen the almost impassable mountains they have marched armies over which no person would have believed anything human would have been rash enough to have proposed, much less succeeded in. That they will attempt *anything*, I believe, and should only a very few reach our coast, the mischief they may do is not to be calculated with such wavering fools to dictate the conduct of those who are to repulse them. . . . Mr. Pitt's first battalion of his new raised regiment was reviewed the other day by General Dundas, who expressed himself equally surprised and pleased by the state of dicipline he found them in. Lord and Lady Chatham have been staying here lately. I have been to all the reviews, etc., and certainly Lord C. never looked so well in his life as at this moment, nor did anybody ever contrive to appear so much of a prince as he does, his led horses, his carriages, his dress, his star and garter, all of which he shows off in his *quiet way* with wonderful effect. I like all this sort of thing, and I admire my uncle most particularly when surrounded with a tribe of military attendants. But what is all this pagentary when compared with the unaffected simplicity of real greatness! and how indeed does the former shrink before the latter, even in the estimation of its greatest admirers! . . .

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[1] Grandmamma Stanhope.

[2] Maxton, situated two or three miles from Dover.

Another of the Earl of Haddington's friends and correspondents was the distinguished Principal of St. Mary's College, St. Andrews, Professor George Hill, who, soon after the earl's succession to his father, approached him on behalf of some clerical relatives. The letter is highly interesting from the information it gives respecting the principal's family, and his relation to Dr. George Cook.

St. Mary's College, St. Andrews,
January 24, 1795.

My Lord,—The connection upon which I presumed to address your lordship is so remote, that I have much occasion to ask your forgiveness.

The late Earl of Hadinton was pleased to retain so kindly a remembrance of my father as to make me an offer of his church of Coldstream at a time when my situation was such that it was not improbable I might have accepted of it. Encouraged by his goodness I took the liberty of mentioning to him my brother Henry, now professor of Greek here, when there was a vacancy at Whitekirk. His lordship condescended to answer my request in the most obliging manner that if it had been his vice to present he would have preferred the son of his old tutor; but that he made it a rule never to interfere with the disposal of the other vice.

It has happened by the blessing of Providence upon the family of a worthy man who left no money, that my father's three sons are provided for. Two of his daughters have large families who are entering into the world. The eldest, who was married to Mr. Murray of North Berwick, has experienced, under the misfortune of being left a widow with eight children, the most generous protection from Sir Hew Dalrymple. The church has been kept for her son, who will be settled there next summer, and will, I trust, be a father to his brothers and sisters. The younger is the wife of Mr. Cook, Professor of Moral Philosophy here. Her eldest son John, has been settled for nearly two years in a church in this neighbourhood, of which the United College are patrons: her second son George is passing trials as a preacher. If your engagements permit your lordship to enquire after the character of these two young men, I believe you will receive from Dr. Carlyle and Dr. Blair such accounts of their education, and from Mr. Moodie, to whom they are better known, such accounts of their personal character as would satisfy your lordship that they are such persons as you would chuse to settle at Whitekirk. John is elegant and accomplished, with an uncommon gentleness and diffidence of manner, a turn for drawing, and a richness of imagery in his composition. George is shrewd and intelligent, an excellent scholar, with good dispositions, and an uncommon talent for observation. It is a most important object to Mr. Cook to get both his sons settled. But if your lordship should feel a disposition to take a minister from a race which from their infancy has been taught to respect your family, and if what you may hear from different quarters of John's character, and of his talents as a preacher, should incline you to give him the preference, it is perhaps possible that the good-will which Mr. Cook's brethren bear to him might induce them to take one of his sons as their presentee instead of the other.—I have the honour to be, with the highest respect, my lord, your lordship's most obedient and very humble servant, GEO. HILL.

Right Honble. Earl of Hadinton, London.[1]

In response to this application the Earl of Haddington communicated with the celebrated Dr. Hugh Blair respecting the merits of Principal Hill's nephews, and received the following letter in reply from that divine:—

Edinburgh, 9th February 1795.

MY LORD,—The letter which I had the honour of receiving from your lordship two or three days ago expresses all that concern about bestowing a church living properly which becomes a good and a wise man. Besides the duty incumbent on a patron in every case to preferr none but such as will properly fulfil the ministerial character, I am sensible of what great importance it is to your lordship to have your own parish church supplied with one in whom you may have the prospect of an agreeable neighbour and friend.

With respect to the two young men, sons of Professor Cook, concerning whom you desire to have my opinion; of John, the eldest, I have some acquaintance and think extremely well of him. He has been in my house, and I heard him preach at last Assembly before the Commissioner. His sermon was that of a young man, somewhat florid and descriptive, but with considerable marks of genius. He is esteemed, I know, to be elegant and accomplished, and to have an uncommon turn towards the fine arts, particularly musick and painting. He is a good-looking young man; in his manners gentle, modest, and backward to a great degree of shyness. In his own parish, I am told, he is popular and well-liked, and indeed, so far as I learn, is liked and esteemed by all who know him. I have given you all that I know or could learn of his character from such persons as I can trust, and the character is such as seems to promise fair enough for your minister. Kilmenie, where he is settled at present, is, I believe, a small stipend in the gift of the College. Tinnygham is, I suppose, a much better living.

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[1] Original letter in Haddington Charter-chest.

The other young man, George Cook, I am not in the least acquainted with. He is not, I imagine, as yet a preacher; but is, I understand, soon to be licensed, if not so already. Of him also I have a very good character from some who know him well. He is said to be very sensible and intelligent; in his manners brisker and more spirited than his elder brother, tho' without any faulty degree of briskness or forwardness. It is undoubtedly an advantage in taking one from the family of Professor Cook, that you have the assurance of their having had all the advantages of education, of their being bred up to right principles, and perfectly moderate, and being connected with all the most reputable literary persons in St. Andrews University. It is no small advantage to have been bred up under the tuition of their uncle, Principal Hill, who is one of the great ornaments of our Church, and indeed, I believe, one of the most worthy and respectable clergymen of any church in the Christian world.

Your lordship was well entitled to have my real opinion concerning these two young men of whom you write. I have given it you with all fairness and freedom as far as I had any materials of information. I heartily wish that when the vacancy shall take place you may get such a minister as shall be of satisfaction and comfort to you and your family. Hoping to have the pleasure of seeing your lordship soon in this part of the country, I have the honour to be, with the greatest respect, your lordship's most obedient and faithfull humble servant, HUGH BLAIR.[1]

The Right Honble. The Earl of Haddington,
at Ham, near Richmond, Surrey, London.

The anticipated vacancy in the church of Whitekirk, however, did not occur, and although no presentation of either of the Messrs. Cook seems ever to have been made by the Earl of Haddington, the friendship between him and Principal Hill continued warm and close. They frequently corresponded on subjects of mutual interest. One of these was the acquittal of Henry Dundas, Viscount Melville, when impeached by the House of Commons for alleged malversation of funds committed to his trust as a Minister of the Crown. He was tried before his brother peers, and his acquittal was received with enthusiastic rejoicings in Scotland. Principal Hill writes as follows on the occasion:—

St. Mary's College, June 21, 1806.

MY LORD,—Now that all our anxieties are over, I beg leave to offer my warmest congratulations to your lordship upon the judgement of the 12th of June, an acquittal which many circumstances conspire to render the most honourable that ever fell to the lot of an impeached minister. I am delighted with the general burst of joy, and with the language of the addresses that I have seen. The movers in this business will already be regretting most sincerely that they have been the instruments of bringing so fully into view the degree in which Lord Melville possesses the esteem and confidence of the country, and he will have the advantage of being now better able to distinguish between his friends and his foes. . . .

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[1] Original in Haddington Charter-chest.

Another letter, a few years later, refers to and laments the death of Viscount Melville, which took place at Edinburgh, whither he had gone to attend the funeral of Lord President Blair on 29th May. He was Chancellor of the University of St. Andrews, and Principal Hill was desirous that his son Robert, second Viscount Melville, should succeed him in the office. He writes :—

St. Mary's College, St. Andrews,
June 4, 1811.

My Lord,—How rapidly tragical events succeed one another! and how sadly was the gloom of the procession last Wednesday deepened by the intelligence we received as we were going out. The feelings of Lord Melville had overpowered his frame, altho' it is probable from the nature of his disease that even without this agitation he could not have lasted long. What a blank and desolation his departure leaves! I have lost a friend from whom I had received many important favours in the kindliest manner, and to whom I could always apply with confidence in every time of need.

I came here on Thursday evening with the hope that I might have been able to obtain from the University an offer of our chancellorship to the present Lord Melville. It would have been a tribute of respect to the memory of his father, and a mark of esteem to which his own character entitles him. But I do not believe I shall succeed. . . . It is said that Lord Melville may follow his natural inclination by retiring from public business, and we might thus have, during the life of the youngest of us, a chancellor who could not on any great occasion promote the interest of the University; that our duty is to chuse some person of such elevated rank and such extensive fortune that he may be expected to have permanent influence, and that the character of the University will be upheld by making a splendid choice. My answer is, that Lord M.'s personal character is highly respectable; that he possesses an advantage ground which no other man has for uniting a great weight of interest in Scotland, and that no man is more likely in all changes of ministry to retain influence sufficient to obtain all that we can expect. I think I have the best of the argument; and independently of personal attachment, and that consolation which I should feel in being still connected with the family of my departed friend, I consider myself as fulfilling my public duty by supporting Lord Melville. My brethren talk of the Duke of Buccleuch and the Marquis Wellesley. They are like a swarm of bees. How the buzz will end, or where they will settle, is quite uncertain. . . . We are to have a meeting to converse about the subject upon Saturday, the 15th of this month.

I was grieved to read this morning the accounts of our venerable king. A dropsical tendency is very alarming. We shall certainly soon hear the determination of Government about the President's chair.—I have the honour to be, with great respect and esteem, my lord, your lordship's much obliged and very humble servant, GEO. HILL.

Earl of Haddington.[1]

To this the Earl of Haddington returned the following reply:—

Tyninghame, 8th June 1811.

DEAR SIR,—I am this instant returned from laying the head of one of the greatest benefactors Scotland ever had in the grave,[2] and I will not, tired as I am, go to bed until I have replyed to your letter, which came by this day's post from Edinburgh. It ill becomes me to make any remark upon the intentions of your University in the election of a chancellor; but this I will take upon me to say, that those of that body who are so ready to take for granted that the present Lord Melville is a person to follow his natural inclination of retiring from public business, have assumed a fact which I believe to be totally unwarranted. The feellings you express on the subject, your kindly recollection of past friendly acts of the father, your warm desire to testify to the world that you had not been insensible of them, by conferring the highest honour in your power upon his only son, were most gratifying to me as your friend, because I expected these feelings would be uppermost in your breast, and I rejoice that I have not been disappointed. . . . I have only to add that I most earnestly hope the University may derive honour from the choice of their chancellor, and that he may be a man chosen from the respectability of his character, and who has the true interest of the University at heart.—I am, dear Sir, yours most sincerely, HADDINGTON.[3]

Another of Lord Haddington's friends was the well-known Dr. Alexander Carlyle, minister of the parish of Inveresk, and popularly known as "Jupiter" Carlyle, from his commanding stature. This divine, who was a conspicuous member of the moderate party in the Church of Scotland, had many friends amongst the Scottish nobility and gentry. Several of them figured in his autobiography, which was published after his death. Dr. Carlyle had a fine personal appearance, and Lord Haddington asked him to sit to the famous Raeburn for a "head" for the new library at Tynninghame. In a letter to Dr. Carlyle on the subject, Lord Haddington says:—"I am much obliged to you for recollecting your promise of sitting to Raeburn, and beg that it may be a head done in canvass of the ordinary size. I mean it to hang as an ornament in my new library, and that size will answer best." This painting was executed in 1796, as appears from two entries in Dr. Carlyle's Diary: "May 19. Began to sit to Raeburn for Lord Haddington," and "9 June. Sat with Raeburn for last time."[1]

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[1] Original Letter in Haddington Charter-chest.

[2] This refers to the funeral of Henry Dundas, Viscount Melville.

[3] Original Letter in Haddington Charter-chest. His Royal Highness the Duke of Cambridge was elected Chancellor of the University of St. Andrews as successor to Henry, first Viscount Melville, but he only held the office for a few years, when he had to go abroad. The University then elected Robert, second Viscount Melville, as their Chancellor, who held the office till his death on 10th June 1851.

As hereditary keeper of Holyrood Park, the Earl of Haddington was approached in 1814 by the Æsculapian Club of Edinburgh, for permission to add to the amenity of Arthur's Seat, and the park generally. It was intended to place near the summit of the hill an iron garden-seat, to sow a variety of Alpine plants and shrubs among the rocks, particularly at Samson's Ribs, and to extend the walks so as to render the hill more easy of access to the botanist or mineralogist. To defray the expense of so doing, a subscription was to be started among the inhabitants of Edinburgh, and particularly those connected with the University, but no contribution was to exceed five shillings. Any surplus was to be utilised in the employment of an old pensioner from the parish of Duddingston to keep the paths in order. An influential committee was named, consisting of Dr. Rutherford, Dr. Duncan, senior, Rev. Mr. Thomson, James Miller, advocate, James Hope, W.S., Professor Jamieson, Messrs. Alexander Gillespie, Patrick Neill, and Andrew Dickson, with Mr. Archibald Constable, bookseller, as treasurer. Dr. Duncan, as secretary, laid the proposal before Lord Haddington, and adds, "Some of the most sanguine of our number are fully persuaded that without doing the smallest injury to your lordship's tenants we may be able to render Arthur's Seat one of the most interesting hills in Europe for the student both of botany and mineralogy."

Lord Haddington's reply was as follows:—

Tynninghame, 3d September 1814.

Sir,—I was yesterday favoured with your letter, with an extract of the minutes of the Œsculapian Society, of which you are Secretary.

The tenant of the Hill Park has ever given as a reason for paying less rent than the ground was valued at, the intrusion of people without any right whatever traversing the grounds and disturbing his sheep. If I was to comply with the demand of your Society I should certainly add to this evil, not to speak of my putting it into the power of persons unknown to take possession of my property, subscribing five shillings a piece, and making walks *ad libitum* under the direction of a person who was to grant the overplus to a parish with which I have no connection whatever.

I think I need scarcely point out to you, for your own good sense will do it for me, that no man alive ever did, and I believe none ever will, put his property under such regulations. I am, moreover, perfectly satisfied that if I did, no man who understands graising would be my tenant. I therefore hope you will see plainly that however willing, nay desirous, I may be to forward every means of advancing sciense, that complying with the request of the Society is totally out of the question.—I am, Sir, your most obedient humble servant,

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[1] Autobiography of Dr. Alexander Carlyle, pp. 568, 569.

HADDINGTON.

P.S.—I perceive Mr. James Hope's name in the list of the Committe appointed by the Society. I apprehend, as he is intrusted with my affairs, that he is not acquainted with his being named. HN.

Dr. Andrew Duncan, senior, Edinburgh.

At a later period, Lord Haddington excited popular feeling in Edinburgh by opening quarries in Salisbury Crags. The matter is referred to in the correspondence of Charles Kirkpatrick Sharpe, to whom Lady Gwydyr wrote, stating that she had made a representation to the king on the subject, and that his Majesty had ordered an inquiry. In his reply Mr. Sharpe says:—

The news you are so good as to communicate about Salisbury Crags are most delightful, and I can assure you that these rocks are in the very centre of his Majesty's park, and its principal beauty. King James the Sixth made the Haddington family hereditary rangers of said park; but he certainly never intended that they should make it a quarry under the very windows of his own palace. I hear that Lord Binning is very violent and valiant as to the rights of his papa, and perhaps may influence Lord Melville. But if the king takes an interest in the matter the thing is as good as done. And I think, dear madam, that by thus interposing to save these rough rocks, you have erected to yourself a much richer and nobler monument than could have even been fashioned by Phidias out of the purest Parian marble.

This question about Holyrood Park, and the rights claimed by the Earls of Haddington therein, continued to agitate the public mind of Edinburgh for a long time, and the heat and feeling engendered were only at length allayed by the purchase of the rights of the family in the park, after Lord Binning, here mentioned, had become Earl of Haddington in succession to his father.

Interested in all that concerned the honour of his country, Lord Haddington was one who patronised and befriended those who sought by literature or otherwise to magnify the fatherland. Among his literary friends were Sir Walter Scott, and George Chalmers, the author of "Caledonia." The following, apparently the first letter from that erudite and accomplished scholar to Lord Haddington, is still preserved at Tynninghame, and is of much interest, from its dealing with that writer's "Life of Queen Mary":—

Office for Trade, Whitehall, 22d March 1819.

MY LORD,—Our worthy friend, Mr. Archibald Hamilton, had the kindness to communicate to me your lordship's letter to him of the 4th curt.

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[1] Letters of Charles Kirkpatrick Sharpe, vol. ii. pp. 360, 361. 5th March 1826.

I perceived that your lordship had been busy with my Life of the Queen of Scots. I felt, as I do now, very thankful for the very favourable opinion which you were pleased to express of me and it.

I was sorry to perceive, however, that you still entertained some difficulties and scruples with regard to the guilt or the innocence of the unfortunate Mary.

I am persuaded that your lordship, upon a second perusal, will easily perceive that my great object was to write her *Life*, and of course to introduce inquiries about her guilt or innocence, collaterally, as the matter arose in the narrative. Hence her defence or vindication is less condense than diffuse.

If your lordship would condescend to state to me your difficulties on this head, and intimate your scruples, I will endeavour to obviate the one and satisfy the other, without putting your lordship to the cost of a hogshead of claret. I need not submit to your lordship's great judgement that it is impossible for me to draw up a more concentrated vindication of Mary without knowing your lordship's grounds of hesitation.

I do not pretend to say that the Scotish queen was without faults. As a woman she had the infirmities of women. As a queen *she could not act*, clever as she was and able. *None of the Stewart family could act.* I only maintain that she knew nothing of her husband's murder till the explosion revealed it to the world.

Permit me, meanwhile, to present your Lordship with a pamphlet which ascertains who wrote *Junius*.

I am very busy on *Caledonia*, to which my future life must be dedicated.

Allow me only to add the sincere tribute of my perfect esteem, being with great truth your lordship's most faithful and most obedient servant, GEO. CHALMERS.

The Right Honble. The Earl of Haddington.

Another talented literary friend was Sir Thomas Dick Lauder of Fountainhall and Grange. Sir Thomas was the representative of the two families of the Lauders of the Bass, whose ancestral domain of Tynninghame was acquired by the Earls of Haddington, and several of whom are named in documents printed in this work, and of the Dicks of Grange, in Edinburgh. His works, which deal largely with the shires of Moray and Inverness, are well known. The two following letters give some interesting information respecting his earlier life, before he succeeded to the baronetcy on the death of his father in 1820:—

Edinburgh, 10 George Square, 21st August 1814.

MY LORD,—Want of time must apologize for the abrupt manner in which I now address you. Notwithstanding repeated applications to Mr. Wauchope, Mrs. Cumin and Mrs. Lauder did not succeed in obtaining from him any settlement of Mr. Cumin's[1] affairs since his death until lately; and we were naturally much confounded and distressed to find that instead of the state of accounts turning out, as we had reason to expect, most favourable, they were deeply against us. From a very peculiar management of his affairs, my father, Sir Andrew Lauder, is also in the most embarrassed state, so much so as not to be able, however willing, to afford me any relief. From a combination of untoward circumstances, therefore, I am now at once innocently plunged into next thing to absolute penury without any hopes of relief. The friendship which you had for my late father-in-law emboldens me thus to request the exertion of your interest, and through you that of Lord Binning, in my behalf. By the death of Commissioner Clephane of the Board of Excise, a situation is opened which would at once place me in comfortable and respectable independence. I have made application for the place; but in a case of this kind it is necessary to put every possible interest in motion.

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[1] George Cumin of Relugas, whose daughter Sir Thomas married, and names above as Mrs. Lauder.

If, my lord, you would condescend to employ yours, so as in any way to get at Lord Liverpool, I have not a doubt that with the aid of other combining interests, I would eventually be successful, particularly as I hold votes in East and Midlothian, and have hitherto remained undeclared in politics. I need not tell your lordship that no time is to be lost, nor, I trust, need I add, that my gratitude and that of Mrs. Cumin, and of Mrs. Lauder, will be lasting and sincere.

With our united best compliments, I have the honour to be, my lord, your lordship's most obedient humble servant, THO. LAUDER DICK.

The Earl of Haddington, Tinninghame, Dunbar.

Relugas, near Forres, 5th June 1815.

MY LORD,—Your lordship's letter of the 24th May followed me here, and was particularly gratifying to me, as the strain of it tells me you feel interested in the unhappy situation into which we are thrown. I am very grateful for the friendly advice which you offer me, as well as for the proffer of farther assistance which you so condescendingly make me. Will you pardon me for intruding so far on your time as to give you my reasons why I should deem it inadviseable to apply for such a situation as you propose. Since my marriage my father has allowed me £500 a year. This sum I made answer all purposes by boarding with Mrs. Cumin quietly in the country, until the perfectly unexpected exposé of the hitherto concealed state of my mother-in-law's affairs by Mr. Wauchope showed us the gulf into which we were all so innocently plunged. After at one time thinking of residing abroad, and afterwards turning over various other schemes in my mind, I at last deemed it the best and most œconomical plan to take the small farm here from my mother-in-law (who is liferenter of it) during her lifetime. I am now therefore thus circumstanced. After paying the interest of debt, and the rent of the farm, as far as I can judge at present, I shall have very little above £100 a year to receive in money, and on this, with the actual produce in eatables from the farm (equal in value to about £300 more), I must contrive to live; having at least a house over my head. From the want of markets here, the only way of turning this farm to any account is by living on it, as it would produce comparatively nothing if let, or if I lived at a distance from it.

This being the state of matters your lordship will see that accepting of a situation of £300 or £400 a year, requiring a constant residence in Edinburgh or elsewhere would not be *adding* either of those sums to my present means of existence, but merely *exchanging* the latter for the former; and when the expense of house-rent and living in Edinburgh is considered, when compared with that of a residence here, I suspect the acceptance of any situation which would require a constant habitation there at so small a salary, would be very inadviseable, and might be the means of sinking me deeper into difficulty.

I have troubled your lordship with these arguments because I should be sorry you should suppose me unreasonable. At the same time, I must say that the unremitting support which my father has given for above forty years to the family of Lord Melville, and the steady attachment which ours has always displayed towards Government, together with the rank which it holds, would certainly entitle me, as its future representative, to argue that I am guilty of no presumption in asking for the situation I have done, but that circumstances considered, I may hope for one fully equal to that for which I am now supplicating; the more so, when it is considered that this is the very first favor which has ever been asked for any member of our family, and even this, not till absolutely driven to it by the most urgent necessity. Previous to your obliging letter I had heard that the situation was already occupied. But other vacancies may occur; and altho' from the lateness of my applications on these occasions I can have no reason to say I have been slighted, yet, as I am now well known to be a candidate, I believe that both my father and I will be inclined to look with a jealous eye upon the appointments which may be to come.

To your lordship and to Lord Binning, whatever may happen, I shall always consider myself as most deeply obliged, and I hope you will permit me, as I mean to continue a candidate for future openings, to request of you, when the occasion may occur, to second my application.

I have the honor to be, my lord, with the most sincere respect and gratitude, and with the best wishes of Mrs. Cumin and Mrs. Lauder, your lordship's most obedient humble servant,

Tho. Lauder Dick.[1]

Lord Haddington took interest not only in literature and literary workers, but also in matters scientific and curious. The newspapers, about the middle of the year 1809, having reported the appearance of a mermaid in Sandside Bay, on the coast of Caithness, his lordship wrote, with the newspaper accounts, to the Earl of Caithness, asking for further information. The Earl of Caithness returned the accounts with the following explanatory letter to the Earl of Haddington :—

Barrogill Castle, 19th September 1809.

My dear Lord,—Your letter of the 11th instant accompanying the two paragraphs from the Courier on the subject of the mermaid seen on this coast, I have had the honor to receive, and with much pleasure avail myself of the earliest opportunity of gratifying your curiosity on that subject in as far as consists with my knowledge.

Being no great naturalist, your lordship is not to expect that I am to enter into any particular discussion respecting the nature and existance of the mermaid, but that I am merely to confine myself to the authenticity of the evidence we have before us in the letters of Miss Mackay and Mr. Munro with regard to such an extraordinary phenomenon as seen by them in the bay of Sandside.

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[1] Sir Thomas continued to reside in Morayshire until 1839, when he was appointed Secretary to the Board of Scottish Manufactures, in conjunction with the Fisheries Board. He died on 29th May 1848.

The paragraphs in the Courier are not London fabrications, but in as far as I recollect, correct copies of the letters alluded to. I saw the original of both letters, and those given in the Courier are circumstantially, if not verbatim, the same.

With regard to [the] character of their authors, Miss Mackay is the daughter of a respectable clergyman in the neighbourhood,[1] and a well educated amiable young woman. Had she alone said that she saw the animal so well described in her letter to Mrs. Innes, I could have had no right to have doubted the authenticity of her report. When we also take into view that not only Miss Mackay, but also her cousin, Miss Mackenzie, and three other creditable persons saw at the same time, this strange inhabitant of the sea, for upwards of an hour together, and at the short distance of about ten yards, it can hardly be supposed that the powers of imagination could have operated so strongly and consonantly upon so many different minds as to make the witnesses all believe that they had seen a mermaid, and all agree in the particular description given of said lady, but that the object of their vision must have been real and such as Miss M'Kay described.

Mr. Monro's account is entitled to an equal degree of credit. He maintains a very respectable character as a preacher and school-master,[2] is a man of sound sense and good information, and is not supposed as being given to exaggerate much less as being capable of imposing on the public a gross deception.

From the character therefore of the persons who have seen this remarkable appearance, whether mermaid or merman, and the striking coincidence in their account of it, there does not remain a doubt in the mind of any one here that neither the witnesses themselves have been deceived, nor that they could have any design of deceiving others, but that their testimony is correct according to the different and particular means they had of observation; and that such a phenomenon really exists and was actually seen on the coast in the manner and of the appearance described in the newspapers.

I have now given you all the information I can with regard to our Caithness *mermaids;* but remember, my dear lord, that this hurryed letter is only intended for your own perusal and that of your friends, and that you are not to exhibit me in the newspapers, as Sir Joseph Banks might be induced to send *to my care* the *looking-glass and comb,* he in ridicule, prepared to place in Sandside Bay, to attract the fair lady. In case that you [have] not preserved a copy of the letters from Miss M'Kay and Mr. Monro I have returned them enclosed.

I hope to have the pleasure of meeting you soon, and we propose to leave the North in the course of next month, and have some idea of spending part of the winter in Edinburgh.

Lady Caithness unites with me in offer of best respects to you and Lady Haddington.

I have the honor to be, with much respect and esteem, my dear lord, your most obedient and humble servant, CAITHNESS.

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[1] The Rev. David Mackay, minister of Reay.

[2] Mr. William Munro, schoolmaster of Thurso, formerly at Reay.

Our harvest will be late in this country, but the crops look well, and the weather upon the whole favourable.

In benevolent and charitable institutions also the Earl of Haddington took a warm and active interest. After the death of Mr. Hawkins, who left a considerable sum for charitable distribution, the earl recommended to his trustees for their favourable consideration the then "projected Asylum for Lunatics at Edinburgh," and the "Charity for the Indigent Blind at Edinburgh." The trustee corresponding with the earl was Mr. Isaac Hawkins Browne, M.P., and he wrote from Yaxall Lodge on Friday 4th February 1803, as follows:—

My dear Lord,—I should not have so long delayed answering your obliging letter of the 28th of December, if I had not waited to consult my co-executor Mr. Gisborne, upon the contents of it, at whose house I now am. I came here from Blithfield the beginning of the week. . . . Mr. Gisborne and I think under all the circumstances your lordship states, and situated as we are, it is impossible for us to reserve a sum for the projected Asylum for Lunatics at Edinburgh, and I quite agree with him. We are both much concerned that we cannot promote so laudable a design, in which your lordship feels an interest, which does you great honour, and I trust your benevolent views will not be defeated. Though we had fixed upon the Charity for the Indigent Blind at Edinburgh entirely upon a false notion of your lordship having recommended it, yet as you now speak so handsomely of it, we shall continue our first intention. We know that charities for blind persons and lunatics were equally objects of the testator's charitable wishes. . . . I am, with great regards, my dear lord, most sincerely yours, I. H. Browne.

The amount of the bequest was £400 in three per cent. consols. This information was contained in another letter from Mr. Browne, who adds:—"As this benefaction is entirely the effect of your lordship's recommendation, we are desirous you should have the merit of it and be the first conveyer of the intelligence. Our law-agent will make the necessary transfer."

Lord Haddington, like his father in his later years, became very corpulent. He possessed much natural humour and wit and anecdote. These qualities appear to have been inherited from his grandfather, Lord Binning, and his great-grandfather, the sixth earl, who were both acknowledged poets and wits. Lord Haddington was thus a pleasant companion in society as well as in private correspondence. He had a very retentive memory, and his son said that it was one of the best he was ever acquainted with.[1] He was the friend of Sir Walter Scott, who was a frequent visitor at Tynninghame. After one of his visits there, Sir Walter alluded to Lord Haddington's racy wit and accuracy in anecdote in the following terms, in a letter to Lord Montagu, dated Edinburgh, 15th June 1824:—

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[1] Letter to William Fraser, Edinburgh, dated March 1858.

I am here according to the old saying, *bird alane*: for my son Charles is fishing at Loch Leven, and my wife and daughter (happy persons!) are at Abbotsford. I took the opportunity to spend two days at Tyninghame. Lord Haddington complains of want of memory, while his conversation is as witty as a comedy, and his anecdote as correct as a parish register.[1]

A later writer refers to the earl as "a magazine of accurate traditional knowledge."[2]

The Right Hon. William Adam of Blair-Adam, lord chief commissioner of the Jury Court in Scotland, writing to Lord Binning about a year before the earl's death, mentions with delight this trait in his character. He says:—

Tyninghame, April 5, 1827.

My dear Lord,—I have had two very pleasing cracky days here, and have only to regret that the legs are not in equal activity with the memory and the speech. We were a *tête-à-tête* on Tewsday. Yesterday Wallace joined us. I hope to be able to make another run out here before the summer session. I am now going to Charleton and Blair-Adam for my remaining holidays. . . . —Ever your lordship's most truly, W. Adam.

Lord Haddington, after a protracted illness, died at Tynninghame on 17th March 1828. The sad event called forth many letters of sorrow and regret addressed to his only son, Lord Binning, from a few of which quotations may be made. His old "cracky" friend, the Lord Commissioner Adam, was early informed of the occurrence, and wrote as follows:—

Edinburgh, Monday morning, 8 o'clock,
March 17, 1828.

My dear Lord,—I have just received your letter announcing certainly an expected event, but one which the long and kind friendship of Lord Haddington, and being a subject of his last recollections, renders deeply affecting.

Our constant intercourse since I resumed my residence in this country was one of the happiest circumstances that attended my latter years. Our unreserved communication on all that was interesting to us proved to me that when seperated by situation and pursuit, I had been at all times the subject of his kindest thoughts. Those were endearments most gratifying in an intimacy of more than three score years.

Your lordship's kind attentions have always been, and will continue to be, most truly valued by me, and I shall never fail to testify the most sincere regard for the son of a friend so beloved by me.—Your lordship's ever most truly and affectionately, W. Adam.

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[1] Lockhart's Life of Sir Walter Scott, Baronet, vol. v. p. 354. One specimen of his ready wit is still related: His lordship built a small wooden bridge over the river Tyne for his private convenience. His son, Lord Binning, and his cousin, Mr. John Hope, advocate, afterwards lord justice-clerk, were taken to see the bridge. They wished Lord Haddington to name the bridge, and suggested "Pons asinorum," but his lordship readily supplied what he deemed more appropriate names as applicable to his two friends—"Noodle and Doodle."

[2] Dr. Hill Burton's History of Scotland, 1689-1745, vol. i. p. 421, note.

The Right Honourable Charles Hope, another relative and very intimate friend of the deceased, wrote thus:—

Granton, Monday [17th March 1828].

My dear Binning,—Tho' the accounts received this morning were quite expected, and in some measure wished for, yet it was impossible to receive the account of the actual loss of so old and so kind a friend without great emotion. It quite overcame me for some time. It is, however, gratifying to find that his end at last was so easy and peaceful. And now, my dear Binning, I have only to pray that you may live as long and as respectably as he did, and have at last as tranquil a death without such a protracted illness. God bless you.—Ever yours, C. Hope.

Another old friend also wrote:—

Somerset Street, 20th March 1828.

My dear Lord,—I most sincerely condole with your lordship upon the death of your father. You, in the first instance, and Lady Haddington, in daily reports, had very kindly prepared me for an event which, however I may deplore, ought not to be considered in any other light than that of a release from severe suffering and painful debility. Still I must lament the termination of a friendship which has subsisted through the long space of fifty-nine years without check or abatement. His uniform kindness, the peculiar charge he and Lady Haddington took of me at Cowes when I was labouring under a complaint that seemed to leave me no chance of surviving them, can only be effaced from my grateful recollections by a total decay of feeling, of mind, and of memory. The loss of Lord Haddington has finished what that of Mr. Wortley began, the wonderful living records of interesting anecdotes, of remarkable persons, and their springs of action. I must now take leave to wish your Lordship and Lady Haddington a long enjoyment of health and happiness in the succession to which you are called,—and I have the honour to be, my dear lord, yours most truly and faithfully, P. Johnston.

The Earl of Haddington.

The sister-in-law of the deceased earl, Lady Jane Hope, widow of Henry Dundas, Viscount Melville, also wrote thus:—

P. Square, 21st March [1828].

My dear Binning,—I have not sooner plagued you with a note, because I had sent you (all I have to give) my love and kindest sympathy under your present afflicting circumstances, and I certainly do not now sit down to suggest to your mind any common-place motives of consolation. But I cannot help feeling, as I think you must, how much even at this melancholy moment there is to be thankful for—that your dear father's long illness was not, even in the last stage, accompanied by any *great* suffering, and that, thanks to God, the transition was so unusually easy, as I understand it was, that his firm and powerful mind did not fail, at least in any considerable degree, nor his placid temper forsake him, and that he had the comfort of *seeing you* by him to the last. . . . I saw Lady Binning yesterday, and thought her looking ill. I persuaded her to come *quite quietly* to us to-morrow. . . . God bless you.—Your affectionate aunt, J. Melville.

Henry, Lord Montagu, an attached friend, thus expressed his feelings :—

Ditton, March 21st, 1828.

MY DEAR BINNING,—Many thanks for your kindness in thinking of me at such a moment, and for the particulars you give me of the closing scene of your excellent father's life ; though there was but little probability of my again enjoying the happiness his society always afforded me, yet I do feel his loss as one that cannot be replaced. He is connected in my mind with my earliest and happiest years, and with those most dear to me, and when I look round me now I hardly know one so associated. These last few months have, indeed, made a melancholy blank among those of the former generation whom I most loved and respected, and I must now look forward, at least, not backward, for social comforts. Before this reaches you probably you will have heard that we have a more untimely loss to deplore. Poor Charlotte Stopford, whose health has for years been in a declining state, sank under the complaint that had slowly been undermining her constitution, on the last day of February, after having given birth to a boy just four weeks before. She had suffered much, I fear, for some weeks previous to her delivery, but after that appears to have sunk gradually from weakness, without any bodily pain.

Poor Stopford, who, I fear, clung to hope to the last, has been in great distress, and by what we hear to-day is probably now on his way to England, having left his children at Rome under the care of the medical man who attended Charlotte, and who is to bring them on to Geneva when the season is more advanced. The D[uke] of B[uccleuch] and Sir Edward Stopford set off the beginning of this month for Rome, and I fear will not hear of this sad event till they perhaps meet Stopford on his road home.

You may depend on my communicating your kind message to all those of my family to whom it is addressed.—Believe me, yours very sincerely, MONTAGU.

Granville Penn, author of a life of Admiral Sir William Penn, father of the founder of Pennsylvania, from whom he was descended, also sympathised with Lord Binning on his loss. He was at this time a clerk in the British War Department, and reputed the most learned layman in England. He says :—

Chelsea Farm, 22d March 1828.

MY DEAR LORD BINNING,—Though I am sensible that I have very few pretensions to obtrude upon you at this moment, yet I have, as well as my wife, some recollections very vividly awakened by the news from Tynninghame announced in yesterday's paper ; accompanied with strong feelings of old regard for and attachment to the memory of your late respected father, which encourage me to think you will not deem us quite unentitled to offer to you our little tribute of condolence on his decease. In a letter I formerly had the pleasure of receiving from him, in which he adverted to the old days of Ham, Petersham, and Richmond, he said that they were some of the happiest years of his life. We can truly affirm the same ; and as he and your late excellent mother conspired so mainly to render them what we felt them, I ground on these considerations my pretensions to address you at this juncture. I am further induced to do so as my present communication is of a nature that precludes the trouble of an acknowledgement on your part; and only imposes on you that of reading the expression of our sincere and due regard for our late noble and valued friend.—Believe me, my dear lord, most faithfully yours, GRANVILLE PENN.

The Earl of Stanhope also condoled with the late earl's successor, Lord Binning, on the loss of his father:—

Chevening, March 26th, 1828.

MY DEAR HADDINGTON,—I need not assure you that I condole with you very sincerely on the melancholy but not unexpected event which has recently taken place. It affords me much consolation to learn that the last moments of your father were free from pain, and that he did not leave this world till life ceased to be enjoyable, and therefore desirable to himself. I remember him from my earliest childhood, when he used to visit my grandmother, whose memory I shall ever cherish with sentiments of gratitude and affection, and his name is in my recollection associated with hers.

I have postponed writing to you till [to] day in order that I might have the pleasure of informing you that I had seen Lady Haddington, who arrived here to-day in excellent health, and looking extremely well. I am, unfortunately, obliged to go to town to-morrow to attend the debate on the game bill, and above all, on the corn bill.—Ever most faithfully yours, STANHOPE.

Lady Stanhope sends her kindest regards.

Lady Sophia Hope, countess of Charles, eighth Earl of Haddington, predeceased her husband at Tynninghame, on 8th March 1813, their happy union having existed for thirty-four years. Mr. John Wauchope, W.S., formerly law-agent of the family, wrote, condoling with Lord Haddington on the sorrowful event. He says:—

Edinburgh, 10th March 1813.

MY DEAR LORD,—The recollection of past times makes me thus early express my very deep regrets for the melancholy, and (so far as known to me) unexpected change in your situation. The truly worthy, pious and benevolent disposition of the friend who is gone to a happier region would make her transit an exemplary composed one. My wife joins me in most sincerely condoling with the family.—Believe me, yours affectionately,

JOHN WAUCHOPE.

The Earl of Haddington, Tynninghame, Dunbar.

On the same subject, and on the same date, though the writer was ignorant that Lady Haddington's death had already taken place, a letter was addressed to her son, Lord Binning, by William Henry, afterwards third Baron Lyttelton, who speaks in high terms of the virtues of the Countess of Haddington. He says:—

Wimbledon Park, March 10, 1813.

MY DEAR BINNING,—You know I am married, and may reasonably presume that I am happy, as indeed, indeed I am, so far as the possession of a most amiable woman, whom I passionately love, and who loves me with equal tenderness, can make me. But a piece of sad news reached me a day or two ago, which has clouded my joy, and now dictates these few, I hope, affectionate lines to you. Is it true, my dear good friend, that your excellent mother is dangerously ill? If it is, I will only say that I most fervently pray to God to give you fortitude and resignation to support you under so severe a trial, as I make no doubt He will to her whose constant piety and blameless benevolent life have surely now supported her in a moment when all other aids may have failed around her. Alas! if it does not please God she should recover, I shall mourn in her, not only your parent, but one of the best and most affectionate friends (if I was not mistaken in her manner to me) that ever I met with, and one, too, from whom I had no title to expect more than the usual courtesies of the world. . . .

Pray tell Lord Haddington I feel most deeply for him. Knowing him, and her, how is it possible I should not see the great extent of his loss, if these things should take the worst turn. God bless you, I say, my dearest Binning, and believe me, ever your most affectionate,

W. H. Lyttelton.

In a later letter, dated 6th January 1814, the same writer recurs to the subject of the death of the countess, and in connection therewith he refers to the character of the Earl of Haddington as he knew and esteemed it. He says:—

I do hope you will not omit an occasional account of your good father's health and feelings. How can I forget all his constant kindness to me, and the innumerable pleasant and happy hours I passed formerly—when I was *such* a boy, and he was so indulgent to me—under his roof, and in his company. I do much rely upon the strength and spirit of his character to support him under his trials. He must be greatly changed indeed since I knew him, or he has more practical sense and decision of mind, more of that kind of *courage* which governs a man in private life and stamps him a weak or a strong character, than almost any man I ever saw. I know, too, his feelings were warm, as they ought to be and are in every man of a generous and superior nature; from all which I should have foretold in the sad circumstances in which he has been placed, a severe struggle, but probably a final mastery over his grief.

Of the marriage of Charles, eighth Earl of Haddington, and his Countess, there was issue one son, Thomas, who succeeded his father as ninth Earl, and of whom a Memoir follows.

Haddington

XIX.—THOMAS, NINTH EARL OF HADDINGTON.

LADY MARIA PARKER (MACCLESFIELD) HIS COUNTESS.

1828—1858.

THE ninth Earl of Haddington, who during his father's lifetime had the courtesy title of Lord Binning till 1827, when he was created Baron Melros of Tynninghame, was born on 21st June 1780, at Edinburgh.[1] The earliest notice we have of him is at the age of six, when Mr. Wauchope, the family agent, thus wrote to his father, then Lord Binning :—" I am glad to hear such good accounts of Lady Binning, and was well pleased to have the first accounts of your son's accident from yourself. I should be sorrow indeed for any misfortune befalling that birkie. But he is so lively, you may lay your account with his meeting several neck break escapes. The last, I hope, will sober him for some time."[2] Mr. Thomas Hamilton received part of his education in Edinburgh. He studied at the university there for some time, and afterwards went to Christ Church College, Oxford. In the recently published correspondence of the late Charles Kirkpatrick Sharpe of Hoddam, Lord Binning's life at Oxford is once or twice referred to. The first letter in the collection, addressed to the writer's mother in November 1798, describes his own introduction to the Dean of the College, Dr. Cyril Jackson, who welcomed the young student with practical advice. Sharpe writes that the Dean said, " he understood from Lord Binning, who is here, tho' I have not yet seen him, that he and I were acquaint, and that our friendship would probably *continue here.* He (the Dean) therefore cautioned me against vying in expense with that nobleman, saying that very properly the fortune of a title was larger than that of none for the most part."[1] Sharpe then, in his amusing style, describes the dining-hall and the dinner, and adds, "Lord Binning has been extremely polite to me indeed, which has won me considerable, besides *that* he is a Scotchman is no small addition." Lord Binning had arranged to take Sharpe on the following day to see the fine pictures in the library.[2]

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[1] The parish registers of births were not then kept with the same regularity as at present. The eighth Earl of Haddington showed his usual care and exactness in the registration of the birth and baptism of his son. The birth and baptism are recorded in the Books of the Lords of Council and Session, under date 4th July 1780, a form of registration which was very rare. The entry is as follows :—" Edinr., 3 July 1780.—These are to certify that Thomas Hamilton, son of the right Honourable the Lord Binning and Sophia Lady Binning, born the 21st June last, was baptized by me this day, in the parish of St. Giles, in the county of Edinburgh, before the witnesses underwritten. (Signed) JNO. CLUNIE, Minister at Whytkirk. Hadinton, witness ; Hope, witness ; Geo. Baillie, witness ; Cha. Hamilton, witness ; Ch. Hope Weir, witness ; Will. Oliphant, witness." [Register of Deeds, Mackenzie's Office, vol. 228, p. 8.]

[2] Letter, Mr. John Wauchope, W.S., to Lord Binning, 7th October 1786.

Lord Binning took the degree of B.A. in 1801, and that of M.A. in 1815. He was a distinguished and accomplished scholar, and as he possessed great ability for public business he devoted his attention to politics from an early period of his career.

He married on 13th October 1802, at Marylebone Church, London, Lady Maria Parker, daughter of the Earl of Macclesfield. Alluding to this coming event, Lord Binning wrote to the family agent on 25th August 1802, from Shirburn Castle, the lady's residence: "I continue, as you may believe, to pass my time very pleasantly here." He adds, "They began their harvest here some days ago, near a week, I fancy. Had no sun for these two days."[3]

In the same year, although only twenty-two years of age, Lord Binning entered parliament, being returned as member for St. Germains, in Cornwall, to the second parliament of the United Kingdom. Lord Binning was a great admirer of Mr. Pitt, and the first vote which he gave in the House of Commons was in favour of that statesman. Lord Haddington ever retained a vivid recollection of Mr. Pitt's personal appearance in the House of Commons, and was wont to relate long afterwards how the great statesman used to walk into the House with a majestic bearing, always attired in knee breeches, with silver buckles on his shoes, and how, when he had occasion to pass his rival Fox, while the latter was either speaking or seated, he invariably bowed to him in a graceful manner.

After Pitt's death, which caused much grief to his attached follower, Lord Binning transferred his political allegiance to Mr. Canning, of whom also he became the personal friend, and whose policy he generally followed. His admiration for Mr. Canning at this period seems to have afforded amusement to other friends. Thus, in October 1809, Lord Lovaine, afterwards fifth Duke of Northumberland, in writing to Lord Binning, concludes an account of the state of matters between the Duke of Portland, Lord Castlereagh, and Canning, relative to the expedition to the Scheldt, by summing up unfavourably to Canning. He writes:—

Indeed I am afraid that Canning's conduct has not been such as his friends should wish. He seems not only not to be clearly in the right in the transaction relative to Castlereagh's removal, inasmuch as he prevailed upon the Duke of Portland, or suffered him to obtain a promise from the king to remove Castlereagh, without communicating the intention to the rest of the cabinet, and he seems to have assumed too much upon his own merit when he left no alternative to the administration (so awkwardly situated) but that of placing him at the head of it.

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[1] Correspondence of C. K. Sharpe, vol. i. pp. 78, 79. The editor of the letters states in a note that Lord Binning, as Earl of Haddington, was Lord-Lieutenant of Ireland under Earl Grey's government in 1833-34. That is a mistake. Lord Haddington held the office in question under Sir Robert Peel's government from December 1834 to April 1835.

[2] *Ibid.* vol. i. pp. 81, 82.

[3] Letter to Mr. John Wauchope, W.S.

Lord Lovaine then adds:—

James [Lord Wharncliffe] is very warm on the subject, and very angry with Canning, and the friends who, he says, have worshipped and glorified him till they have turned his brain. He wishes you [Binning] were here to dispute with him, tho', if the horns of the Jews levelled the walls of Jericho, Wortley would stand a bad chance midst our ravings. Louisa [the writer's wife] anticipates with delight the paroxism into which this letter will throw you, and suggests to Lady Binning the propriety of exhibiting a saline draught and some cooling physic.[1]

About the same period Lord Binning received from his aunt, Jean, Lady Melville, wife of Henry Dundas, first Viscount Melville, a letter containing, among other items, an anecdote of Canning:—

A gentleman told us t'other day, that, walking with C—ning, he said, "What can have made Mr. Dundas go to Scotland at present, what business can he have there at this time of year; is he gone down to his father with a dukedom in his pocket, do you hear?" If this was flippant it was at least witty, and not an unnatural inference.[2]

Little, however, is recorded of Lord Binning's early appearances in the House of Commons, though he is said to have been a frequent speaker. He is first referred to in 1808, when he was one of those who prepared the report of the Sugar Committee, as it was called, which recommended that sugar should be substituted for grain in distilleries to a greater extent than before, with benefit to the grain producers. It was desired to prohibit importation of foreign spirits, or to impose upon them a high duty, thus rendering the markets more accessible to the producers of rum. A resolution was also passed permitting exportation of sugar and coffee from his Majesty's colonies to any part of Europe, south of Cape Finisterre, in exchange for corn. At the same time, perhaps in connection with the same subject, Lord Binning presented the second report of the West India Committee.[3] In the following year he is again named as taking part in a discussion in regard to acts prohibiting the distillation of spirits from grain.[4]

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[1] Letter, Lord Lovaine to Lord Binning, dated from Wortley, Lord Wharncliffe's residence, 29th October 1829, in Haddington Charter-chest.

[2] Letter, dated 21st December [1809], in Haddington Charter-chest. A reference to the Walcheren expedition fixes the year.

[3] Courant, at date. Gentleman's Magazine, vol. lxxviii. pp. 442, 535, 637, 731.

[4] *Ibid.* vol. lxxx. p. 259.

In the month of March 1813 Lord Binning lost his mother, a loss which drew forth very sympathetic letters from his friend, W. H. Lyttelton, afterwards third Baron Lyttelton. One of these relating to Lady Haddington was quoted in the previous memoir, and it was followed by another equally friendly, inviting Lord Binning to confide in him in every way. In January of the following year Mr. Lyttelton wrote from St. Petersburg, giving some account, in a light, gay style, of his travels in Sweden and elsewhere. From one part of his letter we learn that Lord Binning had some difficulty in obtaining a seat in parliament at the election of 1813.

> So! you can't get into Parliament! Can't you? That I most seriously regret—not that I think that odd society indispensable to human happiness—but your habits had so long led you to that club that I suppose the artificial want had become as strong as a natural one. Besides, at this distance, I may say without suspicion of flattery, you had been distinguishing yourself there, just before it broke up last, and had done better than *Bankes senr.*, although I think his politicks were preferable, and his general air more spirited and free. Canning, I see, has at length seen things in their proper light, in one respect at least, and disbanded his party. They were certainly very respectable testimonials in his favour, and perhaps many a man might have wished to have been so attended and recommended in publick, however useless that guard of honour might be for other purposes than those of parade—good officers amongst them, too. But I dare not, with you, enter into any speculations on this subject, and so will only add that I heartily hope that whenever you do return into Parliament, you may make as much progress as possible *without* the right honourable gentleman. Will this satisfy you? not so well I conclude as to advance with him. Well then, I will say, *If* any thing *could* reconcile me to the notion of his advancement, it would be your sharing it—which is, I trust, a satisfactory conclusion of these my, otherwise, perhaps, too rashly hazarded remarks.[1]

Lord Binning, however, did secure a seat, and on July 29, 1814, he was sworn a member of the Privy Council. He was also appointed a member of various parliamentary committees between that date and 1816. In the last-named year he took part in the debates upon the income-tax and retrenchment questions, which, for a time, were the subject of a hot contest in the House of Commons. When the peace of Europe followed upon the battle of Waterloo it was no longer necessary to keep up the heavy taxes which had been imposed during the long-continued war with France. But in February 1816 the ministers then in power resolved still to impose a heavy income-tax. This, when proposed to the House of Commons, was petitioned against in so many quarters, and contested so strongly by the opposition party, that the government gave way. Lord Binning's speech during the debates, which took place night after night for some weeks, has not been recorded, but on the subject of retrenchment, which was also made a party cry by the opposition, he took the side of the government.

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[1] Letter from Mr. Lyttelton, January 6, 1814, in Haddington Charter-chest.

The latter had appointed a committee, of which Lord Binning was a member, to make inquiries with a view to retrenchment. The opposition objected to this motion, and Lord Binning spoke in defence. He was convinced that the inquiry would be satisfactory; the opposition wished a committee of the whole house, but that was as yet unnecessary. He contended that while it was admitted by the advocates of reform that inquiries to effect retrenchment should originate in government itself, yet no sooner did government begin to take steps towards this object than a different language was adopted, and government was no longer to be trusted. The government had stated what had been done, they showed that retrenchment had actually been made, but according to the opposition, this was all in vain, and in order to satisfy the wishes of constituents, a committee must be appointed by the house to supersede those labours which had been so auspiciously begun. Lord Binning therefore opposed the motion for a committee.[1] He was, however, in the following year still a member of the committee of finance and retrenchment, the proceedings of which he again defended in the House.[2]

Another subject in which Lord Binning took much interest was the care of criminal and pauper lunatics in Scotland, and he was one of those who presented to the House the first annual report on lunatic asylums, which contained much important information on the subject. He also, on 4th February 1818, brought in a bill for establishing these institutions in Scotland.[3]

While, however, Lord Binning applied himself actively to practical measures of relief to particular classes, he was opposed to the views then gaining ground as to the need of reform in the representation of the country. He expressed his opinions on this subject when the House of Commons, in 1819, discussed petitions from various royal burghs complaining not only of the way in which their accounts were kept, but also of the self-election of their magistrates. Many members understood this movement as tending really towards parliamentary reform, and among these was Lord Binning, who, on that ground, opposed the appointment of a committee to consider the petitions. He considered, he said, that the lord advocate's bill for appointing auditors of the burgh revenues would meet all the real evils complained of by the petitioners, but this they refused, and would have nothing but poll election, or, in other words, reform of parliament. The present constitution of the Scots burghs had existed for 350 years, and though the antiquity of an abuse was no excuse for it, yet the antiquity of a system like this was in its favour. His principal objection to this motion was that it would be but a step to parliamentary reform; but he would rather prefer the constitution as it was, with all its great and acknowledged benefits and its few theoretical defects, than the feeble remedy of moderate reform in parliament.[1] We shall afterwards see what were his lordship's sentiments on this point during the passing of the Reform Bill of 1832.

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[1] Courant, May 14, 1816. Gentleman's Magazine, vol. lxxxvi. part i., pp. 354, 622.

[2] *Ibid.* lxxxvi. part i., pp. 261, 451.

[3] In 1816, 1817, and 1818, Gentleman's Magazine, at dates.

Lord Binning also took a conservative attitude in regard to the election of clergymen to their charges, as appears from a discussion on the Scottish Church Patronage Bill in June 1819. The report is not a full one; but on a member, Mr. Hume, expressing his opinion that the clergymen ought to be elected by the congregations, which, he said, would crowd the churches, Lord Binning strongly protested, as such a method, he affirmed, would tend "to make the clergy fanatics and flatterers."[2]

After being member for various places in England since 1802, Lord Binning was, in August 1818, elected for Rochester, which he continued to represent for several years. His return for that place was petitioned against by Major Torrens, but in March 1819 the petition was dismissed as frivolous and vexatious.[3] In the end of the same year Lord Binning supported the bill for preventing improper persons from practising as conveyancers in Scotland. In February 1820 he is named as one of those who walked in the great procession at the funeral of King George the Third. Another reference to him in the same year is in connection with the formation of the Caledonian Canal, which he looked upon favourably as likely to be a benefit to the country.[4] He was at this time apparently still a supporter of Canning; and in 1822 a contemporary records that he was to be appointed under-secretary to that statesman.[5] It was through his influence, doubtless, that he was raised to the House of Lords on 24th July 1827, as a British peer, under the title of Lord Melros of Tynninghame.

Passing over measures of less importance, one of the greatest which Lord Binning supported, both in the House of Commons and in the Upper House, was that for the relief from civil disabilities of the Roman Catholics of Ireland. On this subject his views were remarkably liberal, and he made more than one eloquent speech in behalf of the bill. So early as 1812 Lord Binning expressed himself favourable to the Catholic claims. In 1825 he expressed himself strongly in favour of the relief bill, and according to report, "intimated pretty broadly that the destruction of the Irish Protestant Church would not, in his opinion, amount to any great evil."[6] This statement, however, was not correct, and was contradicted by Lord Binning in his place in the

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[1] Edinburgh Courant, May 10, 1819.

[2] 29th June 1819. Gentleman's Magazine at date.

[3] *Ibid.* of date March 15, 1819.

[4] Edinburgh Courant, July 6, 1820.

[5] Autobiography of Lord Brougham, vol. ii. p. 456.

[6] Edinburgh Courant, April 25, 1825.

House. The speech which he actually delivered was long, but, though highly favourable to the Catholics, it contained nothing adverse to the Protestant Church. It is not necessary to quote the speech at length, as his later utterances are given.

In the end of the same year and beginning of 1826, Lord Binning made a visit to the Continent. We learn this, among other sources, from letters to him from Lord Dudley, afterwards first Earl Dudley. During the period of Lord Binning's absence the country suffered greatly from a commercial crisis, partly arising out of the gold discoveries in America, and partly from a spirit of reckless speculation. Regarding this Lord Dudley writes:—

> Ever since you left England we have been going down hill with a rapidity that is quite incredible. You have heard of our distresses—they are more pressing than ever. Such a change brought about in such a time, without war or rumour of war, without scarcity, without internal commotion, without any national calamity real or impending, the mere result of wild speculation and frantic gambling, seems like a dream. It was to a certain degree foreseen, particularly by Huskisson, but certainly not in its full extent. Government can do but little to alleviate the evil, and what it has done has hitherto, at least, only augmented the general terror and distress.

After commenting on certain speeches made on the subject in parliament, Lord Dudley continues:—

> I was present at part of the second debate, and heard Canning. He is always good, but I have heard him better, even upon equally unattractive subjects. It is impossible to suppose that the prosperity of the country has received a serious shake, but for the moment the panic and suffering are extreme.

During his stay on the Continent in 1826, Lord Binning visited Rome, where he met the celebrated Baron Bunsen, and when he returned home a correspondence ensued, of which a few notes may be given. On 24th February [1826] Bunsen writes to Lord Binning with a tracing of a letter written to the Pope by King Charles the First, from Oxford, 20th October 1645, accrediting the Earl of Glamorgan to the Vatican. He concludes:—

> I am very much amused to see how tame Mr. Canning's genius has made the opposition, with the exception of that egregious Mr. Hume. Nobody *speaks* of the poor Greeks, but I trust Mr. Canning *acts* for them. . . . Speaking of respect for our most holy religion (and preaching the gospel to both continents!), and allowing the negroes of Ibrahim Pacha to cut the Christian throats in Greece, in order to transport to Egypt their wives and children, is intolerable *cant*; it proves at least that *religion* has been so much abused as a pretext for war and confusion, that wise men think it unsafe to use the word as that of *commercial interest* is used continually, namely, as a fair ground for interference even where a threat is sufficient.

Later letters, in May and June 1826, are chiefly occupied with accounts of his success in negotiating the purchase for Lord Binning of a Madonna, the "Madonna della Rosa," by Sassoferrato.[1]

On 8th August of the year 1827 Canning died, after a brief illness, at Chiswick House. As may be gathered from the letters addressed to Lord Binning on the subject, the statesman's friends were greatly alarmed by his sudden indisposition, which from the first left little hope of recovery, as the malady had seized "a constitution so *worn out* by worry and anxiety that he could not support the remedies or resist the disease. He has, as the physicians say, fairly been killed by his enemies. To describe the misery and anxiety in which we all are at this moment is impossible, but it will but too well be understood by you, who feel, I am convinced, as sincere an affection as any one can do for one who was so truly dear to us all."[2] After that letter was written Canning appears to have rallied a little, and his friends had a faint hope of his recovery, but the hope was fallacious, and his death took place two days later. Lord Binning, who had been in Scotland, had left for the south before receiving the notice of Canning's illness, and was met on his arrival in town with the news of his death. On the 8th August, Mr. Backhouse, another of the foreign secretaries, writes: "I need not describe to you the state of utter wretchedness and desolation into which this blow has plunged us." Lord Howard also writes that though Lord Binning had missed his letters they would yet serve to testify that he was not forgotten when "this dreadful calamity" first broke on them all. Lord Howard adds, "most sincerely from my heart do I join with you in hoping and trusting that the memory of him who was so dear to us all . . . may unite inseparably those friends who remain."[3] The Earl of Clanricarde, son-in-law of Canning, also wrote to Lord Binning after the funeral: "Mrs. Canning desires me to say how sensible she is of your kindness, and grateful for the feelings you express towards her. . . . *He* and all around him were so accustomed to consider you as one of his most warm and sincere as well as most intimate friends that I have for some time regarded you with feelings stronger, perhaps, than our personal acquaintance warranted. It gives me great gratification to find that I may continue to entertain them."[4]

As an appropriate sequel to this reference to Canning may be quoted a letter from the Right Hon. John Wilson Croker, secretary to the admiralty, written after Canning's death, perhaps in 1828, to Lord Binning, as Earl of Haddington:—

I have a (reduced) copy of Lady Canning's picture of Canning; but to remedy its great defect of making him speaking to empty benches, I have employed a painter to people the background with our old party, as it was about 1820. I have had Castlereagh, Peel, Huskisson, Hardinge, Warrender, etc., painted in, and the effect is excellent—now I want you also. Is there any portrait of you in town whence my artist could copy, or must we wait till you come to town, when you would I hope give us a sitting of an hour. I am endeavouring to make the picture true history; and as the 20 or 30 persons who would be naturally sitting round Canning at the time chosen are, or were, my own personal friends, it will be very interesting to me, and will, I think, also interest others, who may, like me, remember happier days with a kind of tender regret.[1]

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[1] Letters in Haddington Charter-chest.

[2] Letter from Lord Howard de Walden, one of the secretaries for foreign affairs. 6th August 1827.

[3] Letters in Haddington Charter-chest.

[4] Letter, 17th August 1827, *ibid.*

It is not easy to understand from his reported speeches exactly what views Lord Binning, now Earl of Haddington by his succession to his father, held on the subject of the Corporation and Test Acts, but he appears to have been favourable to the removal of the Tests. His speech on 21st April 1828 referred chiefly to the Church of Scotland, which he was desirous of keeping free from the imposition of any test, and he also expressed his belief that the Church of England could exist as safely without tests as the Church of Scotland.[2] In thus supporting the repeal of the Acts Lord Haddington seems to have diverged from Canning's views, if a letter to him from Lord Lovaine be evidence on the point. The latter writes from Lausanne on 4th May 1828:—

The whole proceeding on the Tests *me passe*. Canning declared he would oppose the repeal. The present ministers did oppose it; in a milk and water way, but still opposed it. They are beat. Peel brings forward his declaration (wind), and is so delighted with this graft that he vows he will give the repeal his hearty support. So away it goes to your house, and the bantling begotten by Radicalism, and brought forth by Reform, is suckled and dry-nursed by the bishops, and fed with pap by the Duke of Wellington, assisted by Lords Holland and King. The debates are curious from this strange combination. The Test Act, etc., being in fact, or rather practice, obsolete, and of little value except as being, perhaps, available against some new mania, which, in the present days of cant and humbug, may not be unreasonably expected to arise; but I think Lord Eldon right in calling your lordship's attention to the wording of the petitions, the tone of which is anything but consistent with respect for the establishment; however, it may be politic to shut your eyes to that fact. It is as a triumph to an ambitious, enterprising, and republican or revolutionary body of men that I regret the course that has been pursued, and the language which has been held. Inasmuch as it may smooth the way to that necessary evil, Catholic Emancipation, I am glad of the result. A rational Catholic, I think, will make a better statesman than a dissenter, or at least than most dissenters; but the question is, are there rational Catholics in Ireland? Emancipation will make some, and the withholding it will derationalise the few there may be. I have great confidence in the Duke of Wellington, whose judgement is too sane to be obstinate, whose character stands too high to make him afraid of altering his opinions upon conviction. I own I have little fear of ultra toryism;

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[1] Letter, J. W. Croker to Lord Haddington.

[2] Hansard, 2d ser. vol. xviii. col. 1586.

with a wise minister or ministry it may be of use to support them against unreasonable liberalism. The radicals or ultra whigs will not thank you for concessions which they consider as signal defeats; and when the first rejoicing at their present triumph is over, they will return to the attack with redoubled vigor. In giving way and withstanding judiciously now consists the sagacity of a government. In the last business they have not shewn that judgement. Indeed, I have little doubt if Canning had lived he would have carried his point against the repeal. I hope, however, as you say, the Church will be the better for it, and *à tout prendre* I think the bench took a prudent line. The declaration I look upon as not worth a rush.

To this Lord Lovaine added a sentence showing that he sympathised with what were afterwards Lord Haddington's views on the corn laws:—"A no less wonder is the little stir made on the Corn Bill, which, whether worse or better than last year's, admits the principle, which is the essential point."[1]

In 1828 and 1829, after his succession to his father's title, Thomas, Earl of Haddington, took a still more active part in favour of the Emancipation Act. In June 1828, although the debate then ended unfavourably for the Catholics, he thus expressed himself—The admission that this question (of Catholic emancipation) must one day or other be settled favourably to the Catholics pervaded the whole course of the discussion. Nothing, as it appeared to him, could long resist the active influence of the spirit of the times—things could not remain as they were. It was impossible that five millions of men could ever be satisfied to remain as the Catholics now were—they ought not to be so satisfied, and they would not be so satisfied. The earl then proceeded at some length to discuss the question as far as the coronation oath was connected with it. He respected the conscientious feelings of the last monarch, but must contend that the *regium donum* given to the dissenters was as much a violation of the coronation oath as the admission of Catholics to political power, or the giving a public provision even to the Catholic Church in Ireland could be. He concluded by expressing his ardent wish that, in agreeing to the resolution, their lordships would take what he must consider a most effectual step to ensure the welfare and increase the strength of the whole empire.[2]

Notwithstanding this and similar speeches the debate then ended unfavourably for the Catholics, but the supporters of the Relief Bill triumphed in the following year.

Meanwhile Lord Haddington went down to Scotland, and for a time attended to his own private affairs there. We learn this from a letter addressed to him on 13th December, evidently of the year 1828, by a lively writer, apparently Mr. W. R. Hay, one of the Colonial secretaries, and a very intimate friend:—

Well, Squire Triptolemus Cincinnatus Haddington, I am truly glad to find that you are occupied in undermining the trees on the estate instead of the government, and that you are repairing the old house, which, to judge by the account you give me, and the architect which you have selected, will be an excellent job. I despair of the moment of leisure which your letter anticipates, and therefore sit down to write to you whilst fresh from the perusal of your agreeable letter, and to avoid the symptoms of indigestion which you say prevailed in my last, I have devoted to your service my first morning efforts, and at 8 o'clock during winter in London it is necessary to rely entirely on the light of one's own understanding. I know absolutely nothing of what is intended in regard to the Catholic question. The Duke of Wellington told Sydney Smith when he breakfasted with the Premier at Cheltenham, that he "should be too happy to do something for the *Papishes*, if he knew what to do." I believe, indeed, that he is perfectly well disposed, altho' difficulties oppose him on every side. What Peel may think I know not, but I suppose that there are an amazing number of illiberal anti-Catholics like myself, who would grant to the English Catholics what they want, altho' they would set the Catholic Association at defiance. . . . Messieurs Les Russes sont diablement f—. I hope that we may patch up a peace during the winter, and leave Greece to take care of herself as an independent State, altho' not of the dimensions which she may perhaps desire. As to Portugal, I know and care nothing about her. That dastardly band, the Portuguese refugees, may do well in Brazil, but they ought never to have shewn their faces again in England.[1]

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[1] Letter, 4th May 1828, in Haddington Charter-chest.

[2] Edinburgh Courant, June 14, 1828.

The triumph of the Relief Bill was brought about by various causes, the principal of which was the disturbed condition of Ireland, agitated almost to the point of rebellion. The ministry under the Duke of Wellington and Mr. Peel were driven to make concessions; and in January 1829 King George the Fourth, who had held the same views as his father, was induced to give way, and, in the royal speech to parliament, to signify a desire for removing the Catholic disabilities. The opposition to their removal was strong in other quarters, but after the Bill was introduced it passed rapidly through the House of Commons.[2]

The Bill was read a second time in the House of Lords on 2d April 1829, and supported by the Duke of Wellington. Before this date, however, the House had been prepared to receive the Bill not only by the king's speech and the vote in the Commons, but by numerous and influential petitions from the country on behalf of the measure. One of the principal of these petitions was that from a large number of the most prominent citizens of Edinburgh convened for the special purpose by a public requisition. The meeting was held on 14th March 1829, and on the 27th of that month Lord Haddington rose in his place to present the Edinburgh petition to the Upper House, accompanying it with an eloquent speech, in which he expressed his own sentiments so clearly that it may be fully summarised.

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[1] Letter, 13th December [1828], in Haddington Charter-chest.

[2] Cf. Constitutional History of England. Erskine May, vol. ii. pp. 395-400.

He rose, he said, with feelings of great satisfaction to present this petition. The place from which it came was, it would be admitted, the most Protestant of any of this Protestant empire; the capital of the most Protestant of all the countries which had embraced the principles of the Reformation; which next to the metropolis of England had been most distinguished for its enlightened and liberal views. He then named the principal of those who signed the petition, Sir William Arbuthnot, Sir Henry Moncreiff, Jeffrey, Cockburn, and others. Referring to the meeting whence the petition had emanated, the earl specially commended the speech of Dr. Chalmers. That great divine, he said, saw well the props and defences which had been placed round the Protestant worship in the penal code, yet, for the sake of the advancement of that religion, he implored their lordships to remove these props. Dr. Chalmers had contended, in a strain of unrivalled eloquence, that the Protestant religion had made its way through all difficulties by the force of naked unassisted truth—that at a time when real difficulties were opposed to its progress it triumphed over them, and spread itself over the land by the force of truth alone. He had maintained that the greatest obstacles which the principles of the Reformation had to encounter in the sister island were those props and fences which the law had placed about them in that code of exclusion. These opinions Lord Haddington claimed also as his own—for however strange it might sound in the ears of those who thought that the Protestant religion was supported by such props, Dr. Chalmers had proved unanswerably that those props were its greatest obstacles, because they enlisted the best passions of men against it.[1]

The earl then referred to another distinguished man who had signed the petition, describing him as one who had contributed more to the delight of his fellow-mortals, for his readers and admirers were not limited to his own country, or the empire to which he belonged, than, he might say, any other writer—certainly more than any other writer of the present day. It was the opinion of this celebrated individual—Sir Walter Scott—as the earl had many opportunities of knowing, that in passing the measure now before parliament, more would be done for the peace, tranquillity, and prosperity of the country than by any other which had been passed for more than a century. The earl then proceeded to comment on other signatories of the petition, which bore the names of 7600 persons, and in remarking on the numerous and largely signed petitions against the Bill—one of these, containing 18,000 names, being from Edinburgh alone—he said it was not a measure to be decided by the number of signatures. If that were so the cause of emancipation might be abandoned, but he conceived parliament ought to look to the interests of the country and to the intelligence of those who petitioned in favour of concession, the labourers and artisans having, he alleged, less time for consideration of the question than the richer classes. He concluded :—If it were a question whether we should have a Popish parliament, a Popish constitution, and a Popish church—if it were a question whether we should be all Catholics instead of being all exclusively Protestant, those who petitioned against emancipation would be perfectly competent to decide upon it; but it was because the question was not what the petitioners conceived it to be that he did not regard their numbers, and thought the legislature should pay more respect to the expressed wishes of those who were intelligent, who perfectly understood what were the advantages to be obtained by repealing the exclusive laws, and what were the dangers which would result from maintaining them.[1]

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[1] Edinburgh Courant, April 2, 1829.

Lord Haddington's reference to the opinions of Sir Walter Scott as to the Catholic question gains increased interest from the fact that Sir Walter left a private memorandum in his diary somewhat differing from the earl's statement, and also implying a prophecy which has been too truly verified. On 3d April 1829, the day after the publication of Lord Haddington's speech, Sir Walter wrote :—"Both Sir James Mackintosh and Lord Haddington have spoken very handsomely in parliament of my accession to the Catholic petition, and I think it has done some good; yet I am not confident that the measure will disarm the Catholic spleen—nor am I entirely easy at finding myself allied to the whigs, even in the instance where I agree with them. This is witless prejudice, however."[2] Sir Walter Scott was right in his views about the measure; neither the Catholic Relief Act nor the Irish Franchise Act which followed produced the conciliatory effect intended, and as the concessions made were looked upon rather as the result of pressure brought to bear on the government than as voluntary grants, Ireland continued still in a condition ripe for disorder.

Following as a necessary measure on the Catholic Emancipation Act, the Irish Franchise Act was passed, raising the qualification of voters to £10, and thus excluding the 40s. freeholders. This act was also supported by Lord Haddington, but solely because of its connection with the Relief Act. In this he was true to his principle of objection to parliamentary reform. He stated that he never made up his mind to vote for a Bill with greater regret, as he considered the measure most irregular, sweeping, and unjust; still he would not take on himself to oppose it, connected as it was with the great measure to which the conciliation of Ireland was to be indebted. He hoped that the Committee of the House would look well into the provisions of the Bill, as it would in his opinion almost deserve the character of a Reform Bill. He, however, would vote for it, as he professed he had not courage even to contemplate the evils and horrific results which might flow from a failure of that measure, to which this Bill relating to franchise might be considered an accessory or adjunct.[1] On a later occasion also Lord Haddington repeated his objections, stating generally that even the hope of its beneficial operation did not enable him to get over his objection to the principle of the measure.[2]

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[1] Edinburgh Courant, April 2, 1829.

[2] Excerpt from Diary. Lockhart's Life of Sir Walter Scott, Baronet, vol. vii. p. 188.

Incidentally, in the course of the debate on the petitions for and against the Catholic Bill, Lord Haddington defended his friend Mr. Canning, then deceased, whose name had been brought into the discussion by Lord Eldon. He spoke of Canning as one of the most powerful and eloquent friends of the Catholics, and further stated that, so far from being (as Lord Eldon implied) hostile to dissenters, such an assertion did his memory a great injustice.[3]

In the end of the year 1829, and during part at least of the following year, Lord Haddington again visited the Continent. To this change of scene he was perhaps enticed by a letter from his friend, Lord Lovaine, who, in July 1829, wrote from Geneva, giving a brief *résumé* of his travels with his family from Italy, and announcing their intention of retracing in September their steps Romeward. He adds :—

> I hold it indispensible that you should do the same, first, because it is your duty to come and see me ; and secondly, because no man with brains in his head and pence in his pocket would stop at Nice when he can go to Rome. Laval is not there, and Chateaubriand, who flattered himself he was to be foreign secretary at Paris, and is disappointed, is too much of a prig to be a good substitute. But there is Bunsen and Lutzow and De Lilles, all very good people, besides Kestner and his motions.

Lord Lovaine also gives his views on the Catholic question :—

> I don't agree with you about O'Connell. It were base, I think, to make a law to let that rascal alone into parliament, nor touching the 40s. freeholders, tho' I think the measure a very strong one ; but the end was good and the means dextrous. At no other time could that reform have taken place, and it was in every way a grievous and cancerous sore. Heartily do I agree with you on the propriety of an incubus of 50,000 men. The Brunswickers should have their full portion of that nightmare ; they seem to be striving to keep up the Catholic Association, which I apprehend would sink into insignificance if unnoticed. I can scarcely believe the respectable Catholics, with all the plenitude of potato in their heads, can wish to continue contributing their countenance and money for the honour of being catspaw to O'Connell & Co.[4]

Lord Haddington did go to Rome, and his friends in England kept him informed of current events. Among other letters addressed to him at this time was one from Lord Mahon, the historian. Part of the epistle is occupied with social and personal news, but the conclusion has an interesting notice of Peel:—

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[1] Edinburgh Courant, 11th April 1829. Hansard at date.

[2] Hansard, vol. xxi., at date.

[3] *Ibid.*

[4] Letter, dated 22d July 1829, in Haddington Charter-chest.

> As to politics, you will observe by the papers that my father [the Earl of Stanhope] is taking an active part, and I am very happy to find that even those who differed from his principles considered his speeches very good. The chief tussle, however, will be in the faithful Commons, who appear in complete confusion. A very old stager, General Gascoyne, assures me that in his whole life he never remembers parties in such schism and disorganisation, and does not understand how any government can be carried on with so great want of unity. It seems to me that Peel is personally much disliked; his manners now are represented (I don't know him at all, and therefore speak only from hearsay) to be very distant and forbidding, and the young ministerial members complain that he neither encourages them to speak nor seems pleased when they do, but wishes to hear no voice on that side but his own. Whether this be true or not, it is certain that he stands very much alone, and is obliged to put himself forward on the slightest occasions. Pitt and Canning managed this better. They reserved the edge of their own eloquence, like a pen-knife, for more noble work, and had paper-cutters ready to deal with *foolscap*. Still, however, I believe that Peel will stand, from the sad mediocrity of our present race of statesmen, for you know that "dans le royaume des aveugles un borgne est roi"; and I for one should at any time be sorry to see him go, as I consider him a very judicious, upright, and steady minister.

Lord Mahon concludes by saying that he himself would like to be in parliament, adding:—

> I will not come in except quite free and independent, without pledge or promise to any party whatever; but were I at present M.P. I should give my general support to the Duke of Wellington's government.[1]

A month later Lord Haddington had a letter from his friend, Lord Lyttelton, part of which may be also quoted:—

> Here in England, if ruin be coming upon us, it threatens us less imminently at least than it did a few months ago. It is true, Althorpe told me, he was many hundreds out of pocket for the last year, and regularly out of pocket for some years past by his farm, which I do believe is very well and wisely managed, and used to yield him a good profit. It is equally true that my steward told me that my rents, which have been very well paid up to Christmas last, were every farthing paid out of capital, and I heard from all quarters facts of the same sort; and further, the iron trade never was so bad, whilst all other trades, wholesale and retail, appeared to be suffering too. Yet now I find people in better heart generally, and several great manufactures are reviving. As to taxation, your views are mine, and I regret that the ministers have not acted differently on that subject. I think they could have carried a property-tax. Indeed, my opinion leans to there being more people willing to vote

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[1] Letter, dated 5th March 1830, in Haddington Charter-chest.

one in the House of Commons than not, and that they are rather restrained by the ministers. Touching foreign policy, methinks the nation heeds it but little; but so far as it does, approves of the duke for having kept us at peace. Charles X. appears to be trying to cut his own throat. I don't think the duke will let him cut ours.[1]

On the question of parliamentary reform, which arose in 1831, Lord Haddington's utterances were somewhat doubtful. He appears to have objected to the bills that were brought forward, but was not averse to the idea of popular election. His speeches seem to savour of inconsistency, with which, indeed, he was on one occasion charged, though probably his views were clear enough to himself. On one point, to which he referred again and again, he was of the opinion of the Duke of Wellington. In one of his earliest speeches on the subject he stated that he preferred the old system of representation. He acknowledged, however, that the mind of the country changed, and the question must be discussed until brought to a point which would give content to the respectable part of the community. In the meantime he avoided pledging himself, although he had an anxious desire to give his confidence to the promoter of the measure—Lord Grey.[2] This speech, which apparently is not fully reported, is described as "a deliberate and manly speech, well considered and well expressed, with the moderation which belongs to truth, and the dignity which belongs to high station."[3]

Two letters received by Lord Haddington shortly after the date of this speech may here be referred to. The first of these, written by his cousin George, afterwards Sir George Baillie Hamilton, a prominent diplomat, gives us a glimpse of Lord Haddington's actual position at this crisis. Mr. Hamilton writes:—

4 Brunswick Terrace, 3d January 1831.

My dear Lord Haddington,—I received your letter yesterday. My answers to our sovereign on the subject that I mentioned to you were, I think, *exactly* what you tell me you had wished they should have been in your letter. I told the king that you certainly supported his present government, as I gathered from your speech in the House of Lords, and altho' I knew that you had hitherto been opposed to reform, yet I believed that you were of opinion that the time had come when perhaps it would be wrong to oppose it, and that you probably might vote for it, provided such measures were recommended as you considered safe, and not subversive of the constitution. He seemed greatly to applaud these opinions. He said, "I am not surprised at his caution, for the question is a *tremendous* one, and one which nobody can contemplate without alarm." *He* is evidently terribly annoyed about it, and I hear so from everybody. All the other questions about your house, your reasons for being abroad, etc., etc., I answered as you may suppose. I told him in answer to his question as to your feelings about the Duke of Wellington, that altho' *in general* you had supported his administration, yet you were not a great admirer of his. He said, " Ah, I supposed so."[1]

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[1] Letter in Haddington Charter-chest.

[2] Hansard, 3d ser. vol. i. pp. 1291, 1293, 17th December 1830.

[3] Blackwood's Magazine, vol. xxix. p. 336.

The remainder of the letter deals with the writer's private affairs.

The other letter bearing on the subject of reform was received by Lord Haddington from his friend Lord Lovaine, now Earl of Beverley, who wrote from Rome on 11th January 1831. After a reference to private matters, he goes on :—

> But what grieves me most is the loss *du plus brillant fleuron de ma couronne.* Reform, aye reform, as you say ! That word blows away all the praise you bestow on the new government. I cannot join in your approbation. I think upon reflection that the Duke of Wellington and Peel deserve ill of their country for not having taken in some of those who form the present motley government. The presumption of thinking they could govern without additional strength was absurd and mischievous, tho' I strongly suspect that that presumption prevailed much more with Peel than the duke. I own that the duration of their government would have been a matter of no great importance in ordinary times. But in these I consider the very circumstance of a prime minister unpledged to reform was the one thing needful. Lord Grey must concede ten times more than the duke—a little would have been accepted from his unwilling hands, but the radicals will not be satisfied with a little from Lord Grey, loaded as he is with a life of pledges, and of whig violence and reform. From what remains of Canning's party nothing can be expected ; having come in pledged to that reform proposed by that man, to which and to whom he bore the greatest enmity, as was evinced by Lord Grey's speech, Palmerston and Goderich will remember Canning and his principles as they did Perceval and Castlereagh, to whom they respectively owed their political importance—besides, they have little weight. Lord Grey *must* make the first step to revolution, and with such a cabinet and such underlings that step will be a long one. If any oppose him, which I doubt, he, Althorpe, Graham, etc., will sacrifice king and constitution to remain in power. I think his giving so much to what, pardon the phrase, I must call a no-party, was a dexterous manœuvre. He knows his men.
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> I cannot concur with you in thinking the rage for reform owing to the Duke of Wellington or to his having carried the Catholic question, etc., tho' perhaps the case of Retford might have been better settled, as you say. . . . How far the Duke of Wellington was wrong in declaring his opinion to be that reform was not necessary I cannot judge. Canning, however, had declared himself the uncompromising enemy of reform in much stronger and more emphatic manner, and it is yet to be seen whether the concessional and terrified acquiescence in the necessity of reform (on the part of those who consider its consequences as most hazardous, if not fatal) which prevails at present, will not hasten the evil more than an honest declaration of disapprobation and hostility to that tremendous measure. But I wholly disapprove of the duke's declaration, coupled with the determination to throw up the game, and to throw the cards into the hands of pledge-boultered whiggery.[2]

Some months later, on presenting a petition from the county of Edinburgh against the Reform Bill, Lord Haddington made a speech in which he paid a high tribute to the social condition of Scotland. He first spoke of his objections to the principle of disfranchisement required by certain clauses of the Bill as being "dangerous in itself," while the £10 qualification was not founded on any established principle. He protested against dividing the representatives of counties. In his opinion the time was come when the principle of popular election must be introduced into Scotland. Popular election was a novelty in Scotland, as it had not been known there for 300 or 400 years except in some of the burghs. In making this statement he only asserted an undoubted fact, and it was one which rendered necessary the application of great caution and deliberation to the consideration of a measure which was intended to introduce a popular system of election into that country. There was no country in the world where all the relations and dependencies of social life were in a happier state than they were and had been in Scotland for many years, and he hoped sincerely and anxiously that nothing would come from parliament which would tend to impair or endanger such a state of things; political franchise would be dearly purchased if it disorganised the social relations existing in that country.[1] The progress of the Bill was interrupted a few days after this by the sudden dissolution of parliament by King William in person, a proceeding which forced a general election.

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[1] Letter in Haddington Charter-chest.

[2] *Ibid.*

During this period, while the country was agitated by electoral contests, Lord Haddington received a letter from Lord Aberdeen, commenting on the situation of affairs. He writes :—

> . . . I have little to say but to repeat observations and reflections which have already been made a thousand times, and to give intelligence, which you will have probably received from the newspapers. Yet it is not easy to think or write of other matters than that great change in our condition which is preparing for us, and to which it is still a question whether we must submit or not.
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> The last county election is not yet decided, and I believe the result is considered doubtful; but after what I have seen of popular frenzy in other places, I shall be surprised if Cartwright should be successful. The return of Calcraft for Dorsetshire, with the fresh recollection of his speech against the Bill, described by him as revolutionary, surpasses all credibility. After this, anything like character and consistency becomes of no value.
>
> I am desirous of hearing, from the north, of our Aberdeenshire election. The captain is in no danger, except of a broken head; but our sovereigns had burnt him in effigy, and considerable disturbance was expected on the day of election. Our military force consisted of the staff of the militia—sixteen worthy but, for the most part, ancient persons.
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> The election of the Scotch peers from the number of candidates offers so many chances that it is like the moves on a chessboard; I suppose the greater part of the old men will be

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[1] Hansard, 3d ser. vol. iii. col. 1313, 1314. 13th April 1831.

> returned. . . . We shall doubtless have a good many new people in the House of Lords, but I cannot think it possible for any creation to be made with a view to affect the success of the question in the house. As for the House of Commons, it is truly a delegative parliament. Every question but the support of the Bill has been universally neglected, and to this pledges have everywhere been exacted. . . . Whatever may ultimately take place, I think the Reform question is now out of the hands of ministers. Others have possessed themselves of it, and it remains to be seen whether our government, having led, will now be driven, and how far. There is good reason to believe that a wish existed to defer the consideration of the Bill until the winter. But the Times, their master and ours, effectually put an end to any such notion. This will also be their great difficulty with respect to modifications, however desirable or necessary.[1]

After the reassembling of parliament, Lord Haddington presented a petition from the Senatus Academicus of the University of Edinburgh praying parliament to grant it a representative in the Commons. This was a matter in which Lord Haddington took a special interest, having on a former occasion moved for a return of the number of graduates in the Universities of Edinburgh and Glasgow, with the view of each returning a member to parliament, which he thought expedient. He now, in a short speech, again pressed the subject, as the universities were useful bodies, and worthy of representation, and the privilege would be a strong inducement to students to graduate, as to which honour they were careless.[2] The privilege, however, for which Lord Haddington pleaded was not then granted.

As is well known, the Reform Bill was rejected by the House of Lords on the second reading. Lord Haddington took part in the great debate, lasting five days, which preceded the overthrow of the measure, but only a general outline of his speech may be given. He contended that any change of the institutions of this country, founded on general theoretic principles, would be pregnant with danger. He objected to the disfranchisement clauses, because he thought they violated the principles of justice. He and his friends were not among those who clamoured for reform—they were content to remain as they were. He quoted a speech of Canning, "that it would be the glory of the noble lord who introduced the bill in the Commons (Lord John Russell) to have brought forward this subject, and to have fought this battle, and his (Canning's) to have resisted it to the last," adding it was impossible to say how much the very fact of Canning's being alive might have changed the situation of the country—a thought which led to melancholy reflections. The earl also quoted Mr. Huskisson as averse to parliamentary reform, and generally expressed himself as wholly opposed to the Bill.[3]

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[1] Letter in Haddington Charter-chest, dated "Priory," May 19, 1831.

[2] Hansard, 3d ser. vol. ii. col. 177, 8th March 1831; *Ibid.* vol. v. col. 967, 9th August 1831.

[3] *Ibid.* 3d ser. vol. vii. col. 1378, etc. 5th October 1831.

This speech, especially the part relating to Mr. Huskisson, gave much pleasure to his widow,[1] who wrote to Lord Haddington on 21st October:—

> . . . I had already compared your speech in three or four newspapers, not that I had the slightest apprehension that you had mistaken *his* views on the subject of reform, but because I wished to have the gratification of knowing the honourable testimony which you had borne to his character and opinions—a testimony which I most deeply and sensibly feel, and the more so that circumstances have arisen which have unluckily (I may say so *even for themselves*) prevented others of his friends from doing him justice, or making any mention of him. As far as I could judge from the newspaper reports, your speech seems to have been in every respect what it ought to have been, and most highly honourable to yourself as well as to his memory; and I had observed that it must have made considerable *impression* on the House, from the *Times* taking so much pains to weaken that impression, especially with respect to your quotation from his speech, though I certainly do not consider that the object of the Times was at all forwarded by the extract from the memoir, which is, I am sure, as guarded as possible upon the subject. It was thought but *justice* to those of his friends who advocated reform to say that he *might* have been induced to go farther than he ever contemplated,—and this is probable. Though I hardly dare allow myself to say *what*, under *present* circumstances, he would have done, I yet conscientiously think that the throwing over "Ballot and universal suffrage" *might* have reconciled [him] in some degree to a more extended plan; but I cannot believe that he would *ever* have agreed to the *one* proposed by the Government. But had they had his guidance, such a reform would not have been necessary.[2]

A few days earlier Lord Haddington had received another letter of congratulation from his kinsman, the Right Hon. Charles Hope of Granton, Lord President of the Court of Session, who writes:—

> MY DEAR BARON,—I congratulate you most sincerely on the glorious conduct of the House of Lords.[3] Disregarding equally ministerial influence and popular clamour, they have proved themselves to be indeed worthy of being the hereditary great counsellors of the Crown. But I congratulate you still more on the splendid display of talent they have shown in the debate on this Bill, greater than I ever remember in that House, and infinitely surpassing that shown in the other. And lastly, though not *leastly*, my dear Baron, I congratulate you on your own appearance and part in the debate, and I do so not merely from the newspaper report of your speech, but I have a letter from Lord Arbuthnot, who says he was delighted both with the matter and manner, and that it made a great impression; and Sir Alexander [Hope ?] says that his accounts from London are the same. Not a mouse stirring in either Edinburgh or Glasgow. The excitement is fast subsiding, and will soon die away, so as to give time and temper for reconsidering the question as to kind and degree.[4]

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[1] Elizabeth-Mary, younger daughter of Admiral Mark Milbanke.

[2] Letter, 21st October [1831], in Haddington Charter-chest.

[3] In rejecting the first Reform Bill.

[4] Letter, dated 12th October [1831].

Another letter from a son of the preceding, John Hope, then Dean of Faculty, afterwards Lord Justice-Clerk, written at the same time, may also be quoted:—

> MY DEAR H.—*First* as to our common old House, which is *not* this winter to be pulled down. I did heartily rejoice in the part you took, and still more in the manner in which that part was performed. I had reports of the speech from various quarters in terms of the highest commendation. . . . In the rejection I rejoice most warmly. Consequences I fear not. There may be a row in Manchester, and *I* think the Ministers, meaning Chancellor [Brougham] and Lord Grey, have done all in their power to create it, and I should not be surprised if the manner they now act in may tend to increase it, so as to keep their seats. But I do not believe elsewhere that there will be any row. Here not even a groan was heard, though 5 or 6000 were assembled, generally of the very lowest rabble (as reported to me by three credible persons), and though Gibson-Craig, Sir J. Dalrymple, and all the *clique*, were in the middle of them to encourage such symptoms—literally not a groan. At Glasgow the same way.
>
> All the evening yesterday throughout the whole town my clerk says there was not the least appearance even of people clustering to speak, not a symptom of excitement, and very little of disappointment, half the people being afraid of revolution. I trust the humbug of consequences, etc., etc., will tell still less on any other struggle. As to the *fate* of the government, I care not a jot, except as far as the country is concerned. Their *conduct* is now a matter of great importance. I should like to know the character of some of the speeches. Brougham's reads to my mind as a rambling, strange, ineffective speech, with a great desire to shake himself loose of some of the worst parts of the bill; Lyndhurst's as a party more than a statesman's speech, but as powerful, effective, and well done. Lord Harrowby's, and your own and the duke's (as it read), all agree in saying appear the best, and some parts of Wharncliffe's. His motion, as in 1812, is supposed to be your doing. I only wish it had been directly. I do admit the conservators to be unmanageable, and often thick-headed. But I join them in the call at present against *that* bill of no surrender.[1]

At a later period of the same debate, Lord Haddington made a reference to Scotland. He said he had been long aware that there was a desire in Scotland for a reform of representation there. The Bill now before the House had nothing to do with that part of the United Kingdom, but the earl expressed his conviction of the necessity of reform in Scotland. He had no doubt, if the principle of reform was to be adopted at all, its application to Scotland was essentially necessary. He had on former occasions resisted reform for Scotland, because he was of opinion that it would be impossible to introduce it without its being followed by a reform of the representation in England. If Scotland had remained an independent kingdom, and had flourished as it had done, the present system of representation would never have continued there. It was necessary that such reform be introduced to give the counties in Scotland a national system of popular representation founded, unlike the representation proposed by the Bill, really upon property, and to open the franchise in the close burghs in Scotland to the inhabitants generally of such places. The earl concluded by stating that he was anxious to express his sentiments on this point, that they should not be misunderstood by his countrymen.[1]

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[1] Letter, 11th October 1831, in Haddington Charter-chest.

In the division on 7th October 1831, by which the House of Lords rejected the Bill, Lord Haddington voted with the non-contents. But when the Bill, in a somewhat different form, was a few months later passed by the Commons, and again moved in the House of Lords for a second reading, the earl gave it his support. In explanation of his apparent inconsistency, only a few days after the rejection of the Bill he stated that he was not opposed to all reform, and that whenever a measure of reform was brought forward founded on principles which he considered consistent with the safety of the established institutions of the country, and of the constitution itself, he would be most ready to give such a measure the fullest consideration, trusting to see it carried into effect.[2]

It is not improbable that in making this statement Lord Haddington had a hope that Lord Grey's government might be thrown out, and that in the hands of a Tory ministry the reform movement might assume a different shape. There can be no doubt, that the leaders of the Tory party hoped for this result. Lord Haddington, however, did not wholly class himself with them. He, indeed, was one of those peers who were described as waverers, and who wanted a compromise. This is plainly shown by the speech he made on the second reading of the new Bill, which it ought to be stated contained several improvements on the old one. But before continuing this subject, a letter received by the earl at this time from his cousin, Sir George Baillie Hamilton, may be quoted. It gives an interesting glimpse of foreign politics. Sir George writes from Brussels, where he was resident as an attaché to the British Embassy, on 26th December [1831]:—

My dear Lord,—I wish you and my lady a happy Xmas and many of them. . . . I had returned here from Paris on the 15th, in order to be present at the king's fete on the 16th, to wish him [King Leopold of Belgium] joy at Court on the evening of the 15th, and to attend mass in St. Gudule ! being the second time I have attended his Majesty at Popish worship ; the first time was for the souls of the *blessés de Septembre*, or rather the *defunct* of September. I made a most rapid journey from Paris. I dined at the Thuilleries on Tuesday, when I took the orders of the king [of France], queen, and our *future queen*, for Leopold, and several letters. I was the only guest at dinner, and was certainly invited in order that I might say amiable things to Leopold. I enjoyed the party very much. The queen took my arm and walked in to dinner with me *before* the Citizen King!! She is a most agreeable and delightful person, and her conversation was very interesting. The king looked gloomy and unhappy, no wonder! They were surrounded by all their family, and were quite like the family of a bon bourgeois, altho' in the magnificent appartments of the Thuilleries, and surrounded by much magnificence. I staid the greater part of the evening, much amused, and set out early the next morning for Brussels. I came so quick (travelling all night), that I was at Court here the following evening at 8 o'clock, and delivered my letters to the king.

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[1] Hansard, vol. viii. col. 60. 6th October 1831.

[2] *Ibid.* col. 688. 13th October 1831.

. . . I am not quite happy at the *general* prospect of things. I think that it is very possible that with all our endeavours, and in spite of the wish of the greater part of the European Powers, that it will be a difficult thing to avoid war—sooner or later I *think* it will come; everything is so complicated, and it is difficult to see one's way out of the state of things. I have reasons for thinking so more lately than ever. Leopold seems very happy, and he conducts himself very well; the cards he has to play are not easy, and he is *mal entouré* by a set of wretched lawyers and journalists who have sprung up from the revolution. But few of the great Belgian families have returned, and those that are here live almost in retirement. We live exactly as if we were in the country. We have a good house, good fires, a good cook, good wine, and no expense—which is a comfort. I take my daily ride, work sufficiently to gain an appetite, and am very happy, and now in very good health, which I was not during all the autumn. We dine constantly with the king, who feeds us well. . . .

The following passage apparently refers to the debate on the Reform Bill:—

I think Mahon's speech excellent, it does him great credit, there is an originality and quaintness in it which is very pleasing, and which shows a cultivated mind. I quite agree with all that you say on the subject of the Reform Bill, and the state of things. I fear we are not destined ever to see our way well out of it—or rather we shall suffer all our lives for what is taking place now. I have the *worst opinion* also of the state of things in France. I saw quite enough when there to convince me of the extreme *unpopularity* of Louis Philippe; I never saw anything more evident than the loose hold he has upon the public opinion in France.[1]

For some time in the beginning of 1832, Lord Haddington made no appearance in the House of Lords, owing to severe indisposition. This we learn from his speech on the second Reform Bill, in which he mentioned the fact. He was now in favour of that measure, and explained his change of view by saying that having all his life been opposed to parliamentary reform, and having given effect to that opinion, he wished to vindicate his own consistency by stating the reasons which induced him not to oppose the second reading of the present Bill. Till within a few days of the rejection of the last Bill he had been disposed to read it a second time, not because he agreed with it, but because he thought that reform, on principle and expediency, had become (however great and tremendous an evil) absolutely necessary and irresistible. Under that impression he wished that the question should be fully discussed, but finding the last Bill incapable of amendment he voted against it. The earl then proceeded to comment on the attempts made, in the press and elsewhere, to intimidate the House, and also touched upon some special clauses. He did not feel it possible for their lordships to replace the rotten burghs and restore the balance given by them to the House of Commons as against the pure exercise of the popular principle. But he did not see the impossibility of at last giving such weight to property as would, in a great measure, maintain the balance as it had hitherto existed, whereby, he added, as was well expressed by a noble friend of his on the first reading, "at least so many planks of the vessel may be saved as to enable us to float on in tranquillity and peace." He suggested that a "compromise" should be effected between Lord Grey and the Duke of Wellington, who now thought there should be "some reform." The earl concluded by referring to what had been said about rights of people, and said the people had not any right to any specific details of a measure of reform. If reform should lead to good government the public had a right to it, but their right to the particular kind of reform which should be selected for that purpose would only commence after such reform had been passed. He was satisfied that if, in committee, parties could yield mutually, and make the Bill as good as they could, they would earn the gratitude of the country.[1]

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[1] Letter in Haddington Charter-chest.

In regard to this speech, some fault was found with Lord Haddington's use of the word "compromise," and on the following day he qualified his remark by saying, that he meant a spirit of conciliation and concession.[2] The earl, while the Bill was passing through committee, spoke frequently, and suggested many amendments, not always with success. To the proposed creation of peers to secure a majority in the House of Lords, Lord Haddington was strongly opposed. He denied the possibility of collision with the House of Commons. He also declared that though he had never been a partisan of the Duke of Wellington he would nevertheless support him if he came forward and prosecuted a Reform Bill on safe principles—thus plainly indicating a desire for a change of the ministry.

This event, however, did not take place, as, although the Duke of Wellington was actually sent for by the king, he did not succeed in forming a government, and Lord Grey's ministry continued in power. The threatened additional creations of peers also did not take place, as, when it was known that the king had consented to such a measure, many lords did not attend in their places, and the Bill was carried rapidly through committee, and passed on 4th June 1832. Notwithstanding his promise of support,

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[1] Hansard, 3d ser. vol. xii. col. 59. 9th April 1832.

[2] *Ibid.* col. 175. 10th April 1832.

Lord Haddington made two protests against the Bill. In the first of these he protested (1) Because the Bill would give an undue prominence to the popular branch of the legislature, and may endanger the House of Lords and the rights of the Crown, and destroy the balance of the constitution; (2) Because of the popular excitement the measure had not received sufficiently calm consideration; (3) Because of the advice given to his Majesty by ministers (as to new creations), so many peers withdrew themselves that the Bill was carried without alteration. The earl's second protest affirmed that the Bill, as passed without certain amendments, bestowed undue preponderance in county elections on the manufacturing and commercial classes, and that the reasonable expectations of the agricultural interest had been disappointed.[1]

Before passing from the subject of the Reform Bill, portions of two letters received by Lord Haddington in March 1832, before the second reading, may be quoted. The first, dated 16th March, is from the Earl of Lauderdale, who writes :—

> . . . You are quite right in thinking that I for one will decidedly vote against the second reading. Indeed, I confess myself too stupid to discover upon what principle a man can support the second reading this year who voted against it last. You hint at what I think may be a proper proceeding—that is, moving instructions to the committee; but I wish you or anybody else would try to frame an instruction such as would satisfy a man who does not wish to see the establishment of a new constitution, and then consider whether it is not a direct contradiction to approving the second reading.

The earl incidentally refers to Lord Haddington's building operations :—

> Before I was taken ill I went over to see Tyninghame; there is only a small part of the balcony erected, but even that serves to give a more distinct idea of what it will be when finished, and convinces me that though I have all along maintained strong opinions in its favour, it will exceed even my expectations.[2]

The other letter referred to, dealing with the second reading, is from the bishop of St. David's [Bishop Jenkinson], who encloses his proxy to be used for the second reading—

> Only, however, on the *same condition* on which *you* vote for that stage, namely, that they do not create peers for it. If they do, *then* I most decidedly vote *against* the 2nd reading, and everything else they propose. From whatever moment they have recourse to such an infamous step as the creation of peers for the purpose of swamping the house of Lords—my course is also clear.

The bishop expresses a preference for the bishop of Lincoln as the holder of his proxy :—

> If I had voted on the Reform Bill last October, he was to have held my proxy. But

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[1] Hansard, vol. xiii. cols. 376, 377.

[2] Letter in Haddington Charter-chest.

though several proxies were sent me on that occasion, I declined voting, as I could not agree with either party. I could not then make up my mind to vote for the Bill, nor could I act with the *ultra* tories, whose conduct ever since the carrying of the Catholic Bill has, I think, been infamous and most outrageously absurd, who have done mischief which nothing ever can repair, who listen to nothing but their blind passions, and whose reckless obstinacy and uncompromising bigotry and intolerance would soon lay everything in the dust.[1]

A letter some months later, in October of the same year, from the historian Bunsen at Rome, takes us for a moment out of the region of politics :—

Dear Lord Haddington (he writes), I hope you have received one or two of the many letters sent to you since the receipt of your excellent long letter about the reform, otherwise you will think me very ungrateful. This time I only write to you in order to give you a sign of existence and recall me to your memory. Will you never return to Rome? If not, send me at least a friend of yours to continue our conversations on the hills of Rome. I hope you, as well as Lady Haddington, have been well in these extraordinary times. We have been enjoying an indescribably fine summer, and are still enjoying a not less beautiful autumn; all our nine children are well off and thriving. I have been very busy with publishing a voluminous book of and on German hymns, which I hope will be of some use to my church and country after my death, because I know that during life it will create me more anger, envy, and hatred than the contrary. I have made up my mind to remain here *coûte ce qu'il coûte*, as long as I remain in office. I foresee great agitation and party spirit in my country, without a well-grounded hope to be of great use there. Here I am independant and have leisure. *Otium cum dignitate* is all I shall, after a lapse of years, ask my sovereign for.

I must give you notice of an excellent opportunity of acquiring a particularly fine copy of the Transfiguration of Raphael. You once went to see with me one in the studio of a certain M. Temmel, which soon afterwards was bought by M. Rauch, a celebrated Berlin sculptor. M. Temmel has made a new one after the original, of the same size, 3 feet 3 to 2 feet 3, and of a very rare perfection, with which he will part for the same price paid to him by that artist, viz., *sixty louis*. If ever you wish to make such an acquisition, this would be an excellent opportunity."[2]

The great crisis of the reform act past, the references to the Earl of Haddington and his appearances in the House of Lords are of less interest, but he continued to take more or less part in debates—more particularly those on Irish education and the burgh Reform Bill. On the latter subject, when the Bill was read a second time, Lord Haddington entered a formal protest, to the effect that while the Bill professed to restore the ancient free constitutions of the burghs, it enacted a system totally different from any that ever existed in these countries. He further protested that the transference of the right of voting to the £10 householders was a violation of ancient burgess rights, and generally that the Bill was drawn up on imperfect information, and that it invaded chartered rights.[1] The Bill, which soon afterwards became law, put an end to self-elected town-councils, and in opposing it Lord Haddington was true to his conservative opinions against popular election.

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[1] Letter, dated 26th March 1832, in Haddington Charter-chest.

[2] Letter, dated 4th October 1832, in Haddington Charter-chest.

A subject which possesses more modern interest was the Bill known as the Suppression of Disturbances (Ireland) Bill, more shortly described as a coercion Bill, in the debate on the third reading of which Lord Haddington took part. A similar Bill had been passed in 1833, and found to have a good effect in Ireland. It was now, in 1834, proposed to renew the measure, and the Marquis of Wellesley, then lord-lieutenant of Ireland, recommended this course. On the second reading of the Bill in the House of Lords, exception was taken to the clauses in the former act which empowered the lord-lieutenant to disperse public meetings. On this point there were differences of opinion in the cabinet, which, with other complications, nearly led to a dissolution. But, in the end of July 1834, the Bill was again brought in, the obnoxious clauses being omitted, and was passed.

Lord Haddington's view, however, was in favour of the omitted clauses, in which opinion he agreed with Lord Grey and Lord Chancellor Brougham.[2] He stated that he did not think of contending for the proposition that to coercive measures alone they ought to look for security. There was much to occupy government for years to come in devising measures, in defiance of all the clamour that might be raised, for the improvement of Ireland, for her peace and her tranquillity, but if their lordships determined on introducing a coercive measure, if they were persuaded that it was necessary in the present state of the country, the question was, whether that coercive measure should be efficient, whether it should reach the cause, or deal only with the effect, which was the subject more immediately under the consideration of their lordships. He thought he had good authority for saying that agitation and predial disturbances were intimately connected as cause and effect. . . . The very reason of the thing would show that it must be so. They had the predial outrages in the one case, in the other they had the agitators touching on the string which they knew would be responded to by the feelings of the people of Ireland, and creating a question which but for them would never have been created. Yet what did this Bill do? If they passed it they would press with the weight of their whole loins upon the unfortunate ignorant deluded peasant out of the house an hour after sunset, inflamed by the declarations of interested agitators who went abroad in the night to scatter discord and ruin around them. Upon the poor misguided peasantry they pressed more than was necessary, but in the case of the agitator they pressed not at all, or if they did, they pressed upon him with their little finger only. Thus they were content to deal with the effect, but the cause they left unchecked. In addition to this expression of opinion, Lord Haddington, when the Bill was read a third time, joined in a protest by the Duke of Wellington and others against the omission of the clauses in question, which were specially framed to prevent agitation, and had been effectual to that end, the new Bill without them being declared insufficient.[1]

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[1] Hansard, vol. xx. col. 575. 13th April 1833.

[2] Cf. Memoirs, etc., of Lord Brougham, vol. iii. pp. 392, 393, 408.

Shortly after this Lord Haddington had an opportunity of carrying out his own views in regard to Ireland, as on the dissolution of Lord Melbourne's administration in November 1834, when Sir Robert Peel became premier, the earl was appointed lord-lieutenant of Ireland, though his term of office was very brief, as his party again went out of power in April 1835.[2] The post at first intended for the earl, who was summoned from Scotland to take part in the government, seems to have been the chancellorship of the duchy of Lancaster, but the higher office was bestowed on him.

Immediately on the appointment being made public, the earl received many letters of congratulation, a few of which may be quoted as indicating what his friends, who appear of all shades of politics, thought of his character and fitness for the post. One of the earliest in date is from the Earl of Beverley, formerly Lord Lovaine, who writes:

> MY DEAR HADDINGTON,—It is my turn to congratulate you on *seals* somewhat more honorable and profitable than those you wished me joy of. I sincerely hope you will hold them long and satisfactorily to yourself and beneficially to the country. At all events to have been sought for, and not to have sought, to fill so high a station, must be gratifying to you. God prosper you, say I, for your sake and that of yours affectionately, BEVERLEY.[3]

This letter, however, may refer to the chancellorship of the duchy of Lancaster.

Lady Canning, the widow of his friend the late Mr. Canning, wrote—

> I should not be candid if I did not admit that at first the intelligence did create some surprise, but upon consideration I do not see why it should have done so, except from the circumstance of its having been unexpected, and its not having hitherto been the practice to appoint to that office either Scotch or Irish peers. Your post will be no sinecure in these times, but if it entails considerable exertion both of body and mind, it likewise offers in return a fair and ample field wherein to reap honour and glory, by skilful management; and that you may be successful in earning this reward you have my best wishes.[4]

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[1] Hansard, 3d ser. vol. xxv. col. 673. 29th July 1834.

[2] A writer of the period comments at this date: "Lord Haddington goes to Ireland after making many difficulties, but finishing by liking the appointment."—[Greville's Memoirs, 1st ser. vol. iii. p. 181.]

[3] Letter, dated Worthing, 19th December [1834], in Haddington Charter-chest.

[4] Letter, dated 24th December [1834], in Haddington Charter-chest.

A letter from the earl's old friend, Lord Lyttelton, seems written in uncertainty as to the actual appointment:—

My dear Haddington,—So it *is!* as I, with no peculiar sagacity, guessed it must be. You *have* been *sent for*, and as I now take it to be certain that you have joined the new ministry, and are chancellor of the duchy, I write to say that, by 'r lady! if it gives you any pleasure to be thus in office, *that* pleasure I share, and I can fairly add that I anticipate as much good to the country from your being concerned in the government as I can from the administration of it by any person entertaining such political principles as yours. But I should very imperfectly express my opinion were I not to add that I sorely fear that you and your colleagues will make matters *worse*, worse in your own judgments, and according to your own conservative creed, as well as according to mine (which is conservative too, though the articles are not all the same), when that old solver of problems, Time, shall have shown the full result of your hazardous experiment. But I will not trench upon *his* province further than to say, that so far as my observation reaches, the *present* effect of it has been to revive the spirits and reanimate the hopes and augment formidably the influence of the *Radicals, alias Rascals*, and to render safe and moderate courses more difficult than ever. If the *future* effect shall be the opposite of this, and if Peel's manifesto is honourably and fully followed out (the elections must first decide whether the opportunity will be given), I will speak to you again on the subject.[1]

The Earl of Harrowby wrote:—

We have long been looking with anxiety to the future government of Ireland, and I rejoice to learn that it has fallen into such hands as yours. I quite agree with you in thinking that there are circumstances in your own political position which may give you a claim to be agreeable to both parties, and I need not add how warmly I wish, both on your own account and on that of the public, that this claim may be admitted to its full extent. You will have no easy task, but your good judgement, straightforwardness, and firmness will, I trust, go far in saving what yet remains to be saved.[2]

The Earl of Rosebery, grandfather of the present popular earl, wrote:—

I can truly assure you, that whatever adds to your gratification, or contributes to your advancement and honour, must *personally* give us sincere pleasure, and this I was about to write when I heard you were to be chancellor of Lancaster, and before receiving your letter last night announcing that you had undertaken the government of Ireland. Politically speaking, and on public grounds, I cannot rejoice at this great and unexpected change, believing that it will tend to most serious, if not disastrous, consequences, prejudicial to the best interests of all the *estates of the realm*, and by fresh agitation and party disappointment, together with the unpopular complexion of the government, inevitably lead to extreme opinions on both sides. You cannot have time now to hear me dilate on this or any other subject. I will only add my fear that, with your health not very strong, you may injure it by accepting the arduous and difficult post your friends have called on you to fill, though I earnestly hope this may not be the case.[1]

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[1] Letter, dated Hagley, 24th December 1834, in Haddington Charter-chest.

[2] Letter, dated Sandon, 26th December 1834, in Haddington Charter-chest.

On January 16, 1835, after Lord Haddington had reached Ireland, he received a letter from Sir Stratford Canning, afterwards well known as Lord Stratford de Redcliffe, excusing the tardiness of his congratulations, and wishing the earl "joy of so great an opportunity of serving the country, and doing himself credit in the most distinguished manner. So high a station as yours can have no want of trouble and responsibility in these times, but allow me to join with your other friends in believing that no difficulty will prevent your doing honour to the appointment."[2]

A letter from Baron Bunsen at this date is of some interest, as giving his views of English and Irish politics and education. He says, on the occasion of a friend going to England,—

. . . I cannot let him depart without wishing you joy that you have, sooner than you anticipated, seen the day arrive which I hope and trust is to rescue England from the brink of ruin. Whether I am to wish you joy that you have been called to form a part of the king's counsels I do not know, as far as your private happiness is concerned, but I know too much your patriotic mind not to feel that this is no consideration at so critical a moment. Only I am glad not to know at the present moment whether you are to go to Ireland or not; because thus I can allow myself the wish you might *not*. I cannot fancy you, with your united English and Scotch honesty and simplicity of character, amongst a set of swaggering Irish, and I am afraid you will get a bilious fever out of anger on account of the perfidy and dishonesty of O'Connell before you can legally bring him to the gallows, to which elevated station my most ardent wishes have destined him long ago. Thus let me congratulate your dear and glorious country to have your and your friends' services again to steer her safe through the rocks, without any regret as to the disturbed happiness of a friend.

It is unnecessary to say how perfectly I concur with your view of the state of public affairs in England since the Reform Bill. I was very much struck in reading again your letter, by the prophetic lines which it contains as to the circumstances that might bring on a better state of things, and which now all have united to dissolve the Melbourne administration. The temper of the country has been admirable since this event, and this gives me great hopes that in the bold and manly course ministers have taken in dissolving parliament the English people will not be wanting to themselves. Peel's address and speech are admirable; they seem to me in point of composition and of sentiment worthy of the prime minister in a christian country, and equal to those monuments of open and manly character and dignified simplicity which form the glory of the British character. The great point, and the sore point, is Ireland and the Irish church. I hope a fair and equitable tithe commutation Bill may not come too late to do away with one of the greatest evils. But even the most equitable Bill of this kind will do little if the great landlords will continue to live out of the country, and allow their agents to let the lands for rackrent to despairing poor people who pay the double of what they really can afford. Then the church. How can you make it efficient without a system of national education ?—and one of clerical education too, I take the liberty to add. I confess, if once a reform is to be made, it seems to me much more important that the superfluities, or, at least, the greatest part of them, should go towards seminaries or similar establishments for clerical education, as, according to the canons, ought to be attached to every see, than that £10 or £20 are to be added to the income of poor curates. Everybody has in your wonderful empire his professional education, except the clergyman ; and I think the national spirit in the preparatory stages of education is strong enough to prevent any serious apprehension as to the dangers of a false *esprit de corps.* Believe me, my dear Lord Haddington, your Irish clergy in its majority is not equal to the task in theology. In spite of all intellectual superiority, and in spite of the divine power of truth, the Catholic clergy must be more efficient, the lower speaking the language of the great mass of the population, and the higher being chosen among the most distinguished members of the clergy, for talent and energy. I know there is a very great improvement going on during the last years ; but the means of clerical education are too scanty. The idea of Archbishop Whately, and of his chaplain, Mr. Wilkinson, as to the establishment of such seminaries, seems to me admirable : in general, don't you think the latter's pamphlet on church reform excellent ? The archbishop has done me the honour of writing to me and sending me the writings relative to the proceedings of the education committee. If you succeed in establishing *any* common system of education for protestants and catholics, you have gained Ireland ; catholicism dies of contact with the gospel, and fanaticism ceases with ignorance and persecution, or the appearance of it. I could bring you great proofs of that from the state of our catholic provinces, and I think we enjoy the reputation of having managed them well altho' they are certainly no Irish or Belgians. I should say to the ultra-protestants and ultra-vested-rights men, *Summum jus, summa injuria.* But to confess a great heresy to such a parliamentary authority as you are, I think parliament exercises a great tyranny over the church no less than the monarchs on the Continent have done. Give back to the church her constitutional corporative life ; let *her* bring on the necessary reforms, and only if they are too stupid or stubborn, step in with your sweeping omnipotence.[1]

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[1] Letter, Dalmeny Park, 27th December 1834, in Haddington Charter-chest.

[2] Letter, *ibid.*

Part of another letter from the Earl of Beverley may be quoted, also dated 14th January 1835 :—

Your first reception has been such as your friends could wish, and your appearance at

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[1] Letter, Rome, 14th January 1835, in Haddington Charter-chest. This letter was apparently only forwarded to Lord Haddington on 13th April 1835, when Peel's government had resigned, by Philip Pusey of Pusey (a cadet of the Radnor family), who wrote :—" . . . I am sorry that we shall so soon see you again, but, at least, you have had time to show that Ireland can be governed without party. Peel has certainly risen very much in public estimation for talents and character. But what are we to do now ? Whenever a whig government or measure is thrown out, after two vibrations of the pendulum a worse thing is brought about. It will be difficult to digest Warburton, but a Grote cabinet would be intolerable."

Dublin has been followed by an eclipse of Ireland's Lucifer. I wish it may, under your auspices, beome a total one. This augurs well. With all due respect, your subjects are the personification of humbug, and they have of late been attempted to be governed by humbug. An honest straightforward line, your good-humour, and the total absence of affectation, without absence of dignity, which characterises you, will gain their goodwill and command their respect. Poor old Aberdeen was so overjoyed at your appointment that he laughed and cried to me about it all the time—a day—I passed with him at Brighton. From his account, however, I fear the outfit is not the most satisfactory part of the dignity. The climate of the Emerald Isle is detestable, but I hope your residence in the Phœnix Park will make you feel its wet-blanket-like qualities less than you would elsewhere.[1]

Lord Aberdeen himself wrote a little later, on 26th January :—

My dear H.,—I must write a few words to you, although I have not five minutes to spare. But I cannot help saying that you are playing the part with great applause. Your answer to the city [of Dublin] address was capital. To the university the same. You will have some difficult tithe matters to deal with, but I have no doubt we shall do well.

Lord Aberdeen then states that he was in search of an assistant secretary, and adds :—

It is now settled that I am to have young Gladstone, whom I do not know, and whom I have never seen; but of whom I have always heard a high character. He is a very young man, and has undertaken a task of fearful importance.[2]

Lord Wharncliffe also writes, chiefly in support of persons for whom he desired favours; but in one letter he mentions that Peel had gracefully offered Mr. Canning's son a post as one of the lords of the treasury, which, however, had been declined, though Lady Canning and her son were much gratified by the offer.[3]

A few lines from another letter of Lord Lyttelton may also be quoted :—

My dear Haddington,—How are ye, O man of infinite business? Know ye yet for certain whether ye are standing upon your head or your heels? . . . and how *far ahead*, think ye, ye can see among all the parties and strange folk that fill the political, troubled Irish world around you, where it seems always to blow a hurricane, sometimes from one quarter, then from the opposite? . . . When I wrote to you last the elections were pending. The result of them has been such as to diminish considerably, in my opinion, the great IF I put before on Sir R. Peel's appointments. At all events, whether they stand or not, it will, I think, be difficult, with such a reinforced parliamentary squad as he has *got thegither* (I dinna mean o' Widdifus and Quinies, do you remember? No! no such allusion), for any other premier to make good *his* ground against Sir Bobby. Aweel! God grant us, poor country gentlemen and quiet citizens, a good deliverance from amang ye a'!

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[1] Letter, dated 14th January 1835, in Haddington Charter-chest.

[2] Letter, *ibid.*

[3] Letter, 5th February 1835, *ibid.*

Apropos. I have just got a few lines from the bishop of Oxford (I would he were bishop of *Durham!*), in which he quotes two beautiful couplets: 'Those *in* will *grin*; those *out* will *pout*,' adding that, however, *he* does not *grin*. To which, I beg to add, that neither do I *pout*.[1]

Among other letters received by the earl at this period, may be quoted one or two from his cousin, John Hope, then dean of faculty. On 25th December 1834 the latter wrote:—

. . . I kiss the hands of his excellency the viceroy. Few things ever gratified me more than to find right and just estimate, taken by those I adhere to, of your talents, station, and character. It ought to have been long ago; but that, though a sore subject with your father and myself, I need not go back upon. . . . You would have been of *more* use in the Lords, and so I fancy Peel thought—for there, as Lord Melville says, is their difficulty. But I say at once *you* are better in Ireland. I think the whole change will be of use to you. I think it will teach you to think higher of yourself, and more for yourself; it will give you more of a philipp, which you much wanted; you will avoid London, and your health will be improved.

Then follow a series of advices as to Lord Haddington's future policy, partly humorous, but not devoid of shrewdness and practical utility. Mr. Hope writes:—

It so happens, from the cause I will mention, I know a good deal of viceregal faults, so I will lecture you now, before you are actually majesty himself.

First. Get the best cook in Europe. Aberdeen has Lord Anglesey's last cook, very good for Haddo, or even Argyll House—not fit for the Phœnix.

Second. Get and find out as your chamberlain, or whatever the man is called, an affable easy-tempered man of the world to take charge—that is, to spend freely; turn it over to the said gentleman (such as Col. Gore in the Duke of Richmond's time was); ask him no questions; give yourself no trouble, only insist on splendour. You have never had to do things on this scale; it will never do with you if you attempt the slightest charge—never.

Third. Avoid in the people about you English dandies—London men—unable to adapt themselves to the people they find there. You know not what universal offence this has long given in Ireland. It is one of the sorest subjects possible in Dublin. Get, if you can, good Irishmen. People in London will tell you the reverse. I can tell you, from knowledge of the fact, that this, and this alone, will go down. All lord-lieutenants split on their London and English men.

Fourth. Get my lady to have the Irish women constantly at parties—that has been another rock since the Union; not one lady has done it with consideration for Ireland. I believe not one.

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[1] Letter, 5th February 1835, in Haddington Charter-chest.

Fifth. Give plenty of Sneyd's claret; taste it not, it is poison; but they like it much.

Sixth. Promote all fun—in every way you can.

Seventh. You may do anything with the Irish by firmness, and by touching their national feelings. Lord Hopetoun, as commander-in-chief, did this better than any one. National airs had been proscribed in the regiments since the rebellion. He woke the population of Dublin 10 days after he went there, by the whole bands of the then immense garrison, on St. Patrick's day, playing "St. Patrick's day in the morning." He could turn them ever after round his finger. Tickle them up in this way.

Eighth. Avoid the *sin* of *courting* the Catholics. Subdue some of your over-apprehensions of ultra-protestantism. *You* will easily be suspected of doing the former, and of authorising the latter; therefore go farther than you might advise another lord-lieutenant in attention to the Protestants.

Ninth. Be so good as to have a couple of rooms ready for me in the Phœnix Park on the 6 of August, on which day I mean to be with you; the association meeting on the 10. Ha, ha, ha! you go to the locusts. You must feed, laud, praise, listen and speak to the scientific people. I rejoice at this. I shall behave most decorously—be not afraid—never sitting till you give the signal, nor disputing his excellency's opinions.[1]

In a later letter, of date 6th January 1835, Mr. Hope warns the new viceroy of the "besetting sin" of lawyers, then his chief advisers, "that is, the dread of responsibility and a wish to shy vigorous measures, even when they know best the necessity of them." Another remark is of present-day interest:—

Again, the same dread of responsibility often leads them [the lawyers] to suggest special acts of parliament, such as the coercion bill, and many others; for their acting under these entails no responsibility. Now we lawyers know that, for practical purposes, all such special acts are really and truly *utterly useless* (except, it may be, as a proof of determination on the part of parliament and the government); the ordinary law will reach most easily all mischief, all sedition, all agitation showing itself in any seditious acts or language. I can assure you that such is the case; but lawyers are very adverse to admit that the common law is sufficient when the responsibility of enforcing it lies on them. Yet the repression of disturbances or sedition by the common law always has the *best* effect, and it is the most imposing. No state of things, short of actual insurrection (if it could be said to be short of it), could be worse than the west of Scotland in 1820. Yet Rae [then lord advocate], instigated by me, put it down most thoroughly by the common law, and *never used any one of the remedies* given us three months before by Lord Londonderry's acts of 1819,—so thoroughly that the west was ever after quiet as a mouse, till the reform government came into power.

Take the case of O'Connell—what is the true way to repress him? Simply the quiet, regular, constitutional, and authoritative course of a verdict on the first occasion of a seditious speech or letter. You saw how he was down when convicted on the minor matter of the proclamation act—if he had not been *silked* instead of punished. Try this course. We did the same in 1820. We took Kinloch of Kinloch, the principal agitator, and the orators were silent immediately, and Kinloch fled rather than save his bail. I have thought much on all such topics, and speak not without experience.[1]

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[1] Letter in Haddington Charter-chest.

A month later, Mr. Hope writes complimenting Lord Haddington on his speeches in answer to addresses by public bodies. He further says, "Lord Aberdeen writes to me that they are highly gratified by all you have done in your *office*, as he terms it."[2]

A letter from King William the Fourth to the earl will also be read with interest:—

Brighton, February 10, 1835.

The king does not delay acknowledging the receipt of the Earl of Haddington's letter of the 7th inst., and assuring him that he is very sensible of his attention in making to him a communication upon the state of Ireland, which his Majesty has received with great interest, and has read with the attention which is due to the importance of the subject.

The king was, indeed, well aware of the excitement which had been produced and kept up in many parts of Ireland by mischievous agitators, and of the aid which their designs received from the exertions of the Roman Catholic priesthood in keeping up a spirit of resistance to the payment of tythe, and his Majesty has frequently had to lament the outrages and the bloodshed which these causes have produced. He fully expected an encrease of this active influence, and of its mischievous effects during the late general election; but altho' it is to be regretted that those concerned in such nefarious a course have succeeded, to a certain extent, in their interference with the freedom of election, and in influencing the returns, his Majesty rejoyces that they have in great measure failed in their endeavors to produce greater disturbance and disorder than had previously prevailed, and that in this respect their attempts were checked and foiled by the excellent arrangements of the government, and by the exemplary conduct of the troops and the police, whose arduous and trying duties have, indeed, at all times been admirably executed.

The Earl of Haddington's report offers to his Majesty the encouraging hope that the excitement which still prevails, and the disorders which it occasions, will be checked by the exercise of vigilance and firmness in maintaining the authority of the law, and by the endeavor to allay the violence of party animosity, which has, unfortunately, always been a principal source of the difficulty in governing Ireland. The king is persuaded that the Earl of Haddington's good judgement and care will be earnestly directed to the means of soothing the asperity which prevails, and that he will continue to receive from Sir Henry Hardinge the cordial and the efficient and able assistance which his character and his valuable qualities so well fit him to give. His Majesty derives much confidence from the assurance of the perfect concurrence in their views and opinions, sensible as he is that this has not, at all times, been the case in Ireland, and that much of the evil arising from inconsistency of measures and a vacillating rule may be traced to differences of opinion where unity of principle and purpose were so desirable. His Majesty rejoyces also that Lord Haddington is so well satisfied with Sir William Gosset.[1]

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[1] Letter in Haddington Charter-chest.

[2] Letter, 1st February 1835, *ibid.*

William R.

On the resignation of Peel's ministry in April 1835, Lord Haddington ceased to be lord-lieutenant of Ireland. After his return to London, Mr. Hope wrote:—

. . . Every account William gave me was most gratifying on all points. But I had heard from various quarters in Ireland, and thro' various sources, that there was nothing left for any one to *wish*. I had an eloquent note from Professor Hamilton on your departure, painting most strikingly the feelings created by your short reign as a proof of your complete success, and called forth by your departure. . . . I see O'Connell made a blackguard commentary on your answer—very feeble, laboured, and dull—obliged to admit the concourse of nobility, etc., to the court as a personal merit, and I presume the Dublin citizens will not take his answer as any deduction from the advantage to them that the concourse was of *Tory* peers. It is right, of course, for *others* to allude to the expense. To you it is more than a bagatelle, even if the loss had been thrice what it will be. Being lord-lieutenant, even if one is selected in ordinary times, as good Lord T. was, as a respectable representative of the king, is a great distinction, even tho' one cannot do more, and allow Baron Glenelg (*eheu*) to ruin the protestant cause in Ireland, for which said churchman is answerable. But you were not requested to go merely to hold the court, but I sincerely believe because, as Peel said, it was the most important post next to his own, and because his estimate of you (as Aberdeen told me in autumn) was as fitted for such. As to the court, I suppose it was thought you would do it well enough, and like a gentleman, and not so well as many others. Now you have satisfied every one that you are fit to govern Ireland, that you have done it nobly, and, besides, have *done* the court as no one else has ever done it, beating their graces of Woburn, Goodwood, and Alnwick, and you have done all this in four months. Bonaparte's first campaign in Italy is the only thing to compare to it. Of course, when one merely counts pence, pence are pence, but mostly pence—very dull heavy copper. You have gilded and jewelled your coronet, and, let me say, to the great delight of people in Scotland—great delight.[2]

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[1] Original letter in Haddington Charter-chest.

[2] Letter, 11th May 1835, *ibid.*

The end of Peel's ministry is foreshadowed in a letter, dated 30th March 1835, from the Marquis of Londonderry, who, *inter alia*, writes :—

> I wish matters were brighter *here*. I am afraid of Peel breaking down; his position is too Herculean, and I dread his wife's influence in timidity. As the radicals and whigs have openly join'd at John Russell's dinner, if we give way the king is handed over to them, bound hand and foot for ever, and they make no secret that they would immediately dissolve. What a crisis for us! Our only game is to nail our colours to the mast till the last hour we can remain.[1]

On 13th April following Lord Lyndhurst wrote:—"Well, the bubble is burst! and I suppose you will soon quit Ireland." On the 18th, Sir Henry Hardinge wrote:—"I refer your excellency to 'The Globe' for the new administration, and Lord John's [Russell's] letter to his constituents. We took leave of the king at 2 o'clock this day. He was much affected, and saw each of us individually."[2]

In September 1841 Lord Haddington again accepted office under Sir Robert Peel, who at first offered to him the governor-generalship of India. This post he declined to accept, and as certain ill-natured remarks were made upon his refusal, it may be quoted *verbatim*. Mr. Peel's offer, if made in writing, has apparently not been preserved. Lord Haddington writes :—

> August 30, 1841.—My dear Peel,—I think it right not to keep you waiting an unnecessary moment for the result of my deliberations about India. I decline, because I am quite convinced that my health could not withstand the effects of the climate at my age, and in coming to this resolution I have been influenced not merely by personal considerations, but by the conviction that if I could not retain my health perfectly unimpaired, I could not hope to do justice to the vast and important interests committed to my charge. I will not occupy your time with another word; what I have written seems to me enough to justify the resolution to which I have come. In proposing to me to take upon myself the government of India at this crisis, you have paid me a *great* compliment, and I *deeply* appreciate the honour you have done me. It would have been an ill return to have accepted this office without a greater confidence in my physical power (to say nothing of my other disqualifications) to fulfil the duties of it. Believe me, etc.[3]

Under these circumstances, Lord Haddington was offered and accepted the appointment of first lord of the admiralty, and duly kissed hands with the rest of the new cabinet on 4th September 1841. In regard to this and the earl's refusal of the India government, Charles Greville writes in his diary, under date September 22d: "The appointments [under Peel] are most of them completed, except the diplomatic posts, which are still uncertain, and the governor-generalship of India. This was offered to Haddington, who refused it, and it is a curious circumstance that a man so unimportant, so destitute not only of shining, but of plausible qualities, without interest or influence, should by a mere combination of accidental circumstances have had at his disposal three of the greatest and most important offices under the crown, having actually occupied two of them, and rejected the greatest and most brilliant of all. He has been lord-lieutenant of Ireland; he refused to be governor-general of India; and he is first lord of the admiralty."[1] This criticism, so adverse to Lord Haddington, may be compared with the testimonies of such men as Peel, Lord Aberdeen, and Baron Bunsen, formerly quoted, which show their appreciation of the earl's character and abilities.

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[1] Letter in Haddington Charter-chest.

[2] Letters, *ibid.*

[3] Draft letter, *ibid.*

In reference to Lord Haddington's new office, notice may be taken of a letter written to him from Cannes by Lord Brougham, remarking on the improvement of the French navy. Brougham writes that a friend of his, a captain in the British navy, had recently visited Marseilles and Toulon:—

> Now this worthy captain is a regular John Bull English seaman, and has naturally the contempt of his *order* for everything French. But I assure you he has been exceedingly struck with the improvement of their ships in every particular, and still more with the improvement of the seamen, whom he represents as altogether handy, and very far superior to what they used to be, or to anything he could have imagined. This is a matter deserving great consideration. God forbid that the occasion should arise in our time, but if it does, we shall probably do well to reckon on the conflict being less unequal than it used to be, and, therefore, having precautions to keep the result as secure as ever. My opinion always has been that the French *generally* are very well where they have either to do all by human power, or all by mechanical; but that they are quite inferior where there is a combination of the two. However, they may improve.[2]

Except to answer questions connected with his department, Lord Haddington does not appear to have taken much part in parliamentary debate until the year 1843, when he spoke several times upon the question then agitating the Scottish Church. It cannot be said, however, that his speeches on this subject are important. As is well known, Lord Campbell, on 31st March 1843, before the secession of the Free Church, brought forward in the House of Lords a series of five resolutions, three of which were unimportant, but two of them affirmed the continuance of patronage, and denied the claims of the Church of Scotland to exclusive spiritual jurisdiction. Lord Haddington, in speaking on the resolutions, which were negatived without a division, insisted that in legislating on the subject all due consideration should be paid to the question of the suitableness of ministers for parishes. While he thought that Lord Campbell's resolutions would not produce the effect desired, he agreed that patronage should be maintained. He also expressed his belief that if Lord Aberdeen's former Bill (of 1840) had passed, it would have stopped all the mischiefs which he foresaw.[3]

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[1] The Greville Memoirs, 2d series, vol. ii. p. 56.

[2] Letter, 5th January 1843, in Haddington Charter-chest.

[3] Hansard, vol. xviii. col. 267. 31st March 1843.

After the Disruption took place Lord Haddington supported what was called Lord Aberdeen's Act. When the Bill was in committee the earl expressed his opinion that its principle was that the people should have power to object, and the presbytery should have power to decide on their objections. The people ought not to have forced on them a minister not suited to their views. He contended that the Bill provided ample securities against any abuse of power either by the people or presbytery, and he considered the measure necessary to give peace to the Church of Scotland.[1]

In February of the following year, 1844, Lord Haddington took part in the debate on the state of Ireland, and, as a member of the cabinet, defended the government. The chief interest of his remarks on this occasion lies in his opinion as to the Irish Church. "With regard to the Church funds (he said), various propositions had been made. There were certain parties who called upon them for something like equalisation in religious matters—that appeared to him a preposterous proposition. If they were prepared to say that the voluntary system should alone prevail in Ireland, if they were prepared to argue that the church establishment in Ireland must be abolished and put down without endangering other establishments, that might be equalisation; but he defied the other side to show how, maintaining a shadow of the Protestant establishment of Ireland, they could effect this equalisation. With respect to seats in their lordships' House, who would dare to maintain to the people of this country or the Protestant people of Ireland that peers of parliament, named by his holiness the Pope, should take their seats in parliament? yet there would be no equalisation without. If the Church of Ireland was to retain a shadow of what it was guaranteed to be by the Act of Union, nothing of this kind could take place. The agitators of Ireland had never treated the question in that way—they were for sweeping the church away altogether; the voluntary system was their panacea. In fact, all these concessions would be in vain and perfectly useless, and would consequently be thrown back in their lordships' faces. No such thing as equalisation of the church could be accomplished if it were tried. The Act of Union forbade anything of the kind—that act which, confirming former acts, gave a solemn recognition and guarantee of the Irish establishment. The Act of Union it was the intention of her Majesty's ministers to support; it was their determination to uphold the established church, and they would oppose any measure that could destroy or injure or impair it."[2]

In the same year, Lord Haddington, as first lord of the admiralty, was forced into a correspondence with the Duke of Wellington of such a character as, according to a diarist of the day, showed that the duke's mental faculties were beginning to fail. The matter was trivial. Admiral Parker, in one of his despatches, had written a warm panegyric on the duke's nephew, Captain Wellesley, concluding it with a sentence, awkwardly expressed, but meaning that he was afraid to speak too highly of the nephew lest it might be thought he paid court to the uncle. The duke, however, when he saw the letter, misread and misinterpreted the sentence, taking what was said as an insult to himself, and wrote angrily to Lord Haddington on the subject, referring to his own services. Lord Haddington replied in what he meant to be a soothing letter, says the diarist, "and added all that was respectful and obliging of himself [the duke] and his nephew, as well as what was reasonable and true; but the old hero's blood was up, he had got his head the wrong way, and the devil would not get it right again. He insisted on his own version of the admiral's letter, declared nobody could possibly read it in any other sense (nobody could possibly see it in his), and fired back another sulky broadside upon the first lord of the admiralty."[1] It is to be presumed the matter ended there.

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[1] Hansard, vol. lxix. col. 1426; vol. lxx. col. 552.

[2] *Ibid.* 3d ser. vol. lxxii. col. 863, etc. 15th February 1844.

Another subject with which Lord Haddington had much to do while in the admiralty was the question of a British settlement on the island of Borneo. When Mr. Brooke, afterwards Sir James Brooke, and for a long time known as Rajah Brooke, first left England in 1838, it was on a scientific cruise, but he was led to take up his residence in Borneo about 1841, and, for some years after that date, negotiations were made by or for him to the effect that the English government should make a settlement, or rather found a colony, on the island of Borneo.

On January 16, 1844, Sir Robert Peel wrote:—

My dear Haddington,—Inclosed are some further communications from Mr. Brooke respecting Borneo. Pray have them examined and compared with Sir Edward Belcher's report. Has Sir Edward made *an official* report on the state of Borneo?—Very faithfully yours,
Robert Peel.

The matter was again and again submitted to Lord Haddington as first lord of the admiralty, and the successive colonial secretaries, Lord Stanley (the late Lord Derby), and Mr. W. E. Gladstone. Much stress was laid upon the alleged existence of beds of coal available for British war-vessels, etc., but on a consideration of the whole subject, Lord Stanley objected to a crown colony, or to any acquisition of territory on the part of the British government, as incurring too great responsibilities. Thus in August 1844 Lord Haddington writes to Sir Robert Peel:—

My dear Peel,—I send you at last a memorial on Borneo, and an appendix thereto. I have been most cautious in recommendation, on account of the difficulties that might be made by the two secretaries of State—especially by him of the colonies [Lord Stanley], who has a natural and just abhorrence of a policy leading to any unnecessary extension of our colonial possessions.

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[1] The Greville Memoirs, 2d ser., vol. ii. p. 224.

I cannot see why there should be any doubt about sending as soon as possible an officer to inquire, who should bear powers to Mr. Brook investing him with something of a public character.

Lord Haddington adds that if Peel and Lord Stanley have no objections to sending this officer, and if Lord Aberdeen will give him credentials, Mr. Brooke's agent should be authorised to make him an encouraging communication, and acquaint him with the decision of the government:—

Enough is already known to preclude the necessity of any lengthened consideration, and the proposal that I have made really pledges to nothing but a kind answer to the Sultan, and a promise of protection against pirates, and the general encouragement and support of the deserving man, who has probably been the means of doing much essential service.[1]

On 21st January 1846 Lord Haddington left the Admiralty, and took the office of lord privy seal. He then handed the Borneo papers over to his successor at the admiralty, Lord Ellenborough, and they were also shown to Mr. Gladstone, who had succeeded Lord Stanley at the Colonial Office. Mr. Gladstone took the same view of the subject as his predecessor, but as his answer was communicated to Lord Haddington, and does not appear in the blue-book, it may be given here:—

C[olonial] O[ffice], January 29 [18]46.

My dear Lord Haddington,—After reading these Borneo papers, whatever the cause may be, the fact is, that I am disposed to agree with Lord Stanley. All the motives to which the mind of the Colonial Office is accessible work in the direction opposite to that of forming any new settlement on the coast of Borneo which could be called a colony. The motives which may tell in its favour are of a kind which it is much more for other departments than for mine to appreciate.

I hope that if a settlement is made, there will be no door left open for territorial acquisitions beyond the mere spot it may require. But it would appear from Captain Bethune's report that neither Balambangan nor even Labuan would provide us with the coal we desire; this must be had from the mainland of Borneo, if at all, and those who may be connected with the enterprise will not form part of the population of the settlement nor go to constitute it a colony.

I do not at all mean to deny that there may be great force in the arguments used for establishing a settlement of some kind, but I have not the knowledge which would enable me to appreciate them.

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[1] Letter, 26th August 1844, in Haddington Charter-chest. In a postscript to his letter Lord Haddington writes:—"I go, and so does Lady H., to Portsmouth to-morrow. You will think me as bad as Owen for taking my wife on service—but *she* is not mad."

Colonising is not so much as spoken of; the formation of a trading emporium seems to be remote, and is not the object in view. I shall be ready to join in any consultations on this subject, but in the meantime Lord Stanley's minute, though written long ago, represents pretty accurately my impressions.—Believe me, most faithfully yours,

W. E. Gladstone.[1]

Lord Haddington duly reported this opinion to Mr. Brooke's agents, and there the subject appears to have dropped so far as he was concerned, except that he repeated to them that the objections made by the Colonial Office were to a colony, not to a naval station.

At a later date, in 1852, Lord Haddington, in answer to a requisition on behalf of Sir James Brooke, spoke highly of the great merits of that gentleman, and reprobated the "persecutions" to which he had been subject, but owing to certain considerations expressed a hesitation in coming prominently forward on the subject.[2]

A few months after Lord Haddington's appointment as lord privy seal Sir Robert Peel's administration was outvoted, and the earl's tenure of office came to an end.

Almost his latest act as a member of Sir Robert Peel's cabinet was an eloquent defence of that minister, and of his opinion as to the abolition of the corn laws. The speech which Lord Haddington delivered on this occasion, appears from the reports to have been the longest which he ever made. It is unnecessary to enter into the history of the corn laws, but the anti-corn-law league, to which Lord Haddington refers, had for years agitated for the free importation of foreign corn, and the establishment of free trade generally. Large petitions in favour of the repeal of the corn laws had been sent from Edinburgh and other parts of the country even before Sir Robert Peel came into power in 1841. His policy was favourable to free trade, and in this Lord Haddington supported him, although a large number of Peel's own party were violently opposed to his views.

Peel brought his Anti-corn-law Bill into the House of Commons on 27th January 1846. It was passed there by a large majority, but met with strong opposition in the House of Lords; and when Lord Haddington expressed his approval of the Bill it was in opposition to many of his colleagues. He rose, he said, with deep regret to address the House, not from hesitation as to his conduct, but because he was opposed to so many of their lordships. He had not spoken much in parliament on the subject, but in private he had long expressed an opinion that the repeal of the corn laws would make no great difference to the landed interest, and that agriculture would not be injured were it not for the panic which would accompany the change; that once allayed, matters would go on pretty much as before. He thought that there was much exaggeration on this subject in the views of the manufacturers, for he could not believe that the alternate seasons of depression and prosperity, of abundance and glut, were to be attributed to the corn law; and he thought that if injury to the manufacturers had been derived from protection, they must not stop short at the corn law, when it must be attributed also to the protection which they were so very anxious to maintain for their own interests.

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[1] Letter in Haddington Charter-chest.

[2] Draft letter, 4th June 1852, in Haddington Charter-chest.

The earl here incidentally refers to indisposition which prevented him attending one cabinet council. He was, however, present at a council held on 1st November [1845], and at that time, when the question came up in regard to Ireland, he had not thought the cabinet sufficiently informed to adopt so strong a measure as this. He heard with surprise the doubts which (in debate) had been thrown on the state of the people in that country. If, however, without reference to Ireland, Sir Robert Peel had told his colleagues that his views as to the corn laws had changed, he (the earl) would have supported him. The government was broken up, but if, after Sir Robert Peel's statement, the government had gone on, the earl would have consented to form part of it, because he felt the corn laws were gone—that they were doomed from the moment that, in addition to that great accession of strength which those who opposed them had gained in public opinion, Sir Robert Peel had thrown the weight of his great authority into the scale against them. After more particularly referring to the proposed change of government and the reinstatement of Peel, the earl went on to explain that in his own continuance in office he had not been actuated by any love of office, for he was not only ready but should be glad to lay down office to-morrow, and remain a private man for the rest of his life, and that certainly no minister could recompense him for the loss he would sustain by the measure, if the apprehensions of some were realised, who expected a fall of 20 per cent. on prices, for the greater part of his rents were paid on the price of corn in the county town, and he would thus lose one-fifth of his income.

The earl proceeded to deal with some of the objections to the Bill, and stated that he was convinced that the evils and dangers anticipated by his noble friends as likely to result from the adoption of this Bill were much more likely to ensue if their lordships threw out the measure. His decided opinion was, and it was an opinion he had long entertained, that the principle of free trade in corn had been growing in favour with the people of this country. He believed that a large portion of the landed interest itself had ceased to apprehend any evil consequences from the adoption of that principle, and were anxious for a settlement of the question. This Bill was sent up, by a majority of 100, from the House of Commons, and serious consequences might ensue from its rejection by their lordships. The government were told that they ought to have appealed to the country on the question. Such an appeal must necessarily give rise to great agitation and excitement, and he believed it would have been a fatal course. . . . He did not find that the corn law, though its object was to prevent fluctuation, secure steadiness of price, and make us independent of foreign nations, had answered any one of these objects. He did believe that it had to a certain degree, by having gained the confidence of the agricultural body, contributed to the improvement of land, as it had induced the agriculturist to invest capital in improvement. He retained that opinion, but he maintained that the change now proposed was much more likely to secure steady prices than the present law. Fluctuation could not be altogether avoided, owing to changeable seasons, but he believed that by a free trade in corn, by the quantity which happened to be wanted, and which the interests of parties induced them to send to this country at the time when it was wanted, by its coming in equally at all times, a greater steadiness of price than at present would be secured. He firmly believed that the increase of population would fully counterbalance any pressure that might at first arise from the passing of this measure. On the other hand, if its effect should be to bring corn within the means of thousands of our poorer fellow-countrymen, that would be a source of gratification to every benevolent heart. It was a fallacy to assert that the prosperity of the agricultural interest was solely to be measured by the price of wheat, and he felt quite convinced that if corn were at a reasonable price, the landlords would still get as good rents, and the farmers make as good profits.[1]

In his statement of the evils which would attend rejection of the Bill, Lord Haddington said it would bring about a dissolution and a general election; a new parliament would show an overwhelming majority in favour of free trade, and their lordships would then be compelled to pass the Bill. He defended the objects and characters of those who formed the anti-corn-law league, and he also defended Sir Robert Peel against the attacks made on him. He (Lord Haddington) did not think that there ever was a minister at the head of affairs in this country who was more exclusively desirous of doing his duty, or of being guided only by his sense of what was right, irrespective of everything else. He himself had been in the cabinet between four and five years, and he could not be mistaken on the point. Lord Haddington further praised Peel's unimpeachable integrity and profound sagacity, adding, it did not become him to prophesy, but he could only say that if his right honourable friend was right in his anticipations of what would be the result of the measure, he would turn out to be a great benefactor to the people of this country, and to no class more than to that of the landed aristocracy. The earl concluded by repeating his assertion that he had never given a vote with less hesitation than he would that to affirm the proposition of the government. The Bill was carried, but Sir Robert Peel's ministry was outvoted shortly afterwards on the Irish Coercion Bill.

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[1] Hansard, 3d ser. vol. lxxxvi. col. 1265, etc. 26th May 1846.

That Lord Haddington's opinions thus expressed as to free trade were the result of personal conviction is shown by a letter written by him many years afterwards to the late Lord Polwarth, who had asked him to support a political candidate who favoured protection. In this letter, after stating that family connection would naturally incline him to agree to the suggestion, the earl writes :—

> But I do not see how in justice to my own most decided and conscientious opinion I could consent to do so. I *do firmly* believe that a return to the protection policy would be a fatal mistake, and would have the *most dangerous* consequences. Your brother is among the most decided of those who support a policy I so sincerely deprecate. The crisis is at hand. The next election is to decide between his opinions and mine. How then can I take so forward a part in his support as to be a subscriber in favour of his return? I do not think I should act honestly if I did so. It is to this—the strongest step I could take against my own convictions—that I object. I go no further. My wish is to take no part in the election. Indeed I presume he will walk over the course. Remember, my dear Polwarth, that I am one of those responsible for the corn law repeal act, and that, so far from repenting of it, I am more and more convinced of the absolute necessity of maintaining what is called (justly) Sir R. Peel's policy. Recollecting this, you cannot be surprised at my declining to do as you suggest.[1]

This letter was written in 1852, six years after the Corn-law Repeal Act was passed, and distinctly expresses the view Lord Haddington held in 1846, and which he appears never to have changed.

Between 1846 and 1858, the year of the earl's death, his recorded appearances in the House of Lords are comparatively few and infrequent, though he was probably regular in his attendance. In July 1848, he objected to the Law of Entail (Scotland) Bill on the ground that it trampled on vested rights, although he admitted that the law of entail in Scotland was defective. In the same month and year, when the Marriage Bill for Scotland was discussed, the earl expressed himself as inclined to oppose it, on the ground that it recognised for the first time by statute marriages not solemnised by the church. In 1853 the earl spoke on the subject of the Schoolmasters' Bill for Scotland, and the Universities Bill. But his remarks were merely formal and very brief.

In August 1843 an arrangement was completed between the earl and the government, by which he received the sum of £40,000, and in return surrendered his hereditary office of keeper of the royal park of Holyrood House. In 1853 he had the honour to be made a knight of the ancient order of the Thistle.

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[1] Copy letter, Earl of Haddington to Lord Polwarth, 16th April 1852, in Haddington Charter-chest.

Lord Haddington continued his attendances in parliament until a few months before his death, his presence in the House of Lords being recorded for the last time on 29th July 1858, and he died on 1st December following. One of the earl's latest speeches in the House was in connection with the Universities Act of 1858, and he for a short space was one of the commissioners in connection with Edinburgh University.[1] One of his votes in the last session of his life was given against Lord Derby's government, on the censure of Lord Canning, then governor-general of India. Defending his vote to a friend who had indicated to him that the government grudged his vote on that occasion, Lord Haddington, feeling conscious of his own integrity and consistency, asked with energy, "Am I not the hereditary friend of Canning?" This shows how warm and steady in his friendships the earl was, as he thus, both on public and private grounds, stood by his friend, even at the risk of outvoting a government of which he generally approved.

In his own county of Haddington his lordship was exemplary in his attendances at county meetings, and took an active share in public business. He did this almost up to the day of his death, and brought forward resolutions and schemes on the question of road reform, then much discussed in East Lothian. To the tenantry on his estates Lord Haddington was a kind and considerate landlord. Those in his employment were regarded by him with confidence and consideration; while the poor and others around him experienced his generous charity, and many acts of kind attention.

Lord Haddington, not only from his rank, but also from his social qualities, was frequently requested to act as chairman or otherwise at public gatherings, where his appearances were very effective. Two such occasions, both in the year 1852, may be noticed. The first of these occasions was in connection with the inauguration of that great work by the now veteran sculptor, Sir John Steell, the equestrian statue of Field-Marshal the Duke of Wellington, in front of Her Majesty's General Register House, Edinburgh. The earl was one of the committee appointed on 24th December 1839 to originate the undertaking. He subscribed £50 towards the fund for the statue, and was among those few of the original committee who survived to see the work completed. He accompanied the Duke of Buccleuch, chairman of the committee, to the ceremony of unveiling the statue, and at a later hour, in the duke's absence, was asked to preside at a dinner where the committee and their friends met to celebrate the event. This meeting being private the speeches were not reported, the only one which received public notice being that of the chairman, who, in what is described as "a short but eloquent speech," proposed the health of the eminent artist, Mr. Steell, who, the earl said, next to the Duke of Wellington, must be considered the hero of the day.[1]

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[1] Story of the University, by Sir A. Grant, vol. ii. p. 101.

On 9th September, in the same year, Lord Haddington was a guest of the Duke of Buccleuch at a banquet given at Dalkeith to celebrate the majority of the young Earl of Dalkeith, now the present duke. It fell to his lordship to propose the health of the Duchess of Buccleuch, which he did in a brief but gracefully worded speech. He spoke of the comfort it must be to the duke, with the responsibility that rested on a man of his wide possessions and vast property, to have one so well calculated as the duchess to share his responsibilities, and alleviate their weight. He spoke of her kind patronage of merit and her Christian charity, both as to the people on the estates and their children. He dwelt upon her amiable character and disposition, her kind heart, her benevolence, and her excellent example as a wife and mother. He concluded by saying that it had been delightful for him, as a very old friend of the family—having been, he might say, the friend of three generations of it—to see the manner in which the noble duke and his son had that day been received; and he called upon his hearers to complete what they had so well begun, by drinking with him "Health and happiness to the Duchess of Buccleuch."[2]

At a later stage of the banquet the Duke of Buccleuch, in proposing the health of his guests, specially named his friend, Lord Haddington, saying that there was no one for whom he entertained a greater respect. He had known him from his childhood; the noble earl had been the friend of those who had gone before the speaker, and there was no man who, in private life, was more esteemed, and in public life was more deservedly respected.

Lord Haddington, in acknowledging the flattering reception of the toast, said, "That there was no man for whom he had a greater respect and regard than the Duke of Buccleuch. He had known him in various situations in life. He was, perhaps, the only one there present who had an intimate knowledge of his conduct in public life; and he would venture to say that a more upright, a more disinterested, and a more useful servant of the Crown, never sat in the Council of her Majesty. In behalf of the other guests, he begged to express the great satisfaction and pleasure they had enjoyed in witnessing that magnificent meeting. It was, indeed, a most gratifying sight; and there were few families in the kingdom who could have produced such a display. He could not help thinking that, if the old banner over their heads should ever again be raised in the only cause in which it could in these days be raised—the cause of the queen and the country—there was not one of them who would not flock to it, determined to do their duty against the enemies of the country, whether foreign or domestic. He could only assure them, in conclusion, that he would always remember that day with pride and satisfaction."[1]

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[1] Edinburgh Courant and Scotsman, 19th June 1852.

[2] Memorial of the Majority of the Earl of Dalkeith. Dalkeith, 1852, p. 54.

In personal appearance Lord Haddington possessed all the characteristics of a high-bred gentleman. He was of the ordinary height, but, unlike his father and grandfather, who were very corpulent, he was slight in body. He had a sharp penetrating eye, as became a descendant of his great ancestor with the "partridge eye." He had a clear penetrating voice tinged with a burr. This, when he pronounced words containing the letter "r," made his voice emphatic, but far from disagreeable. He did not inherit the ever-flowing humour of his father. But he frequently told very amusing anecdotes, and listened to them when told by others. In the later years of his life his lordship was subject to spasms which affected his breathing, and frequently were very severe. But notwithstanding these illnesses, the regularity of his life and the great care taken of his health, enabled him to attain to the age of seventy-eight. Shortly before his death he remarked to a friend, who had referred to the ages of his ancestors, that he was himself the oldest man who had signed the title of Haddington.

Notice may here be taken of the earl's last will, which is not only very long, containing a number of provisions, but in some of its details evinces much of the kindness of his character. It consists of a will, dated 22d April 1851, and several codicils added at various periods between that date and 1858. Lord Haddington appoints George Baillie, of Jerviswoode, and, failing him, his son, George Baillie, younger of Jerviswoode, sole executor and universal legatory. He bequeaths to his "dearly beloved wife" a legacy of £1000, his household furniture in the house No. 43 Berkeley Square, London, at the time of his death, with stables; also whatever balance may be at his credit in the books of Messrs. Coutts & Co., bankers. The countess may retain, if she pleases, exclusive possession of Tynninghame House for six months after the earl's death, and may also occupy and possess Lennel house and grounds "during her life, free of any rent."

One codicil, dated apparently in 1853, directed his executor to make over to the countess everything in Tynninghame that properly belongs to her, including a grand pianoforte in the drawing-room, a picture of himself painted for her by Swinton, which at her death is to be returned to Tynninghame, and a marble table, composed of specimens of marble picked up by herself at Rome, chiefly in the "Baths of Caracalla," with other articles. The countess is also to receive, with specified exceptions, all the earl's carriages and harness, and, if she please, "the horse that usually draws her little open carriage." "Also certain silver dishes with their covers, and articles of plate marked with the letter H. in order to distinguish them from the other plate." "Also Rob and Muff. If she should decide to leave one or both at Tynninghame, I recommend them to the special care and kindness of Mr. and *Mrs. Baillie.*" In a separate list, marked A, the earl leaves other articles to his countess, chiefly any pictures, drawings, and prints she may wish to have, his watch, a prayer-book, a thick volume which the earl often used for family prayers, and other similar items, including a prayer-book formerly belonging to his great-grandmother, Lady Binning; which, however, is to be returned to Tynninghame.

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[1] Memorial of the Majority of the Earl of Dalkeith. Dalkeith, 1852, p. 57.

The earl then deals with certain relics and heirlooms which are to remain at Tynninghame. These are, "The watch that belonged to Mary, Queen of Scots, which is now in the custody of Lady Haddington, certain combs that were hers, and a walking-stick—a long one of a light-blue colour—believed also to have belonged to that queen; also a white cane with a heavy and ornamented head, that belonged to the first Earl of Haddington." "The china chest that stands on the first landing-place of the principal staircase here, with all its contents, is to remain at Tynninghame. Among other things it contains the peer's coronation robes and coronet, the robes of the Thistle that belonged to my great-great-grandfather, and a beautiful and rich cut velvet bed-gown, the property of the first Earl of Haddington." "I leave to my successor my parliamentary robes. They are those of a baron (I wish I could leave him my barony!), but a very little alteration will make them the robes of an earl."

A series of legacies to servants and dependants shows the kindly feelings of the earl. To Mr. Matthew Buist he leaves £100, "not meaning that this trifling sum should be considered as a measure of my regard for him, or the sense I entertain of his able, useful, zealous, and most faithful discharge of his duties as factor on my estate and general manager here, but simply as a mark of my esteem." Many bequests are made of annuities, small legacies, and provisions for old servants, and the widows of such, for most of which the earl gives reasons—such entries occurring as "widow of an old footman of my mother who died here;" "an old man who came as footman to my father in 1794 or 5;" "a woman who lived here for many years as laundry-maid, and left, being unfit for service any longer." Another person, "Beatrice Cowan, daughter of Edward Cowan, a very respectable old hind" [farm-servant], receives a legacy of £30, and, should she require it at her father's death, £5 in aid of her means. "She is quite immovable," writes the earl, "without help, from rheumatic gout, but is very industrious in knitting. She has worked in this way for Lady Haddington," etc. "She is a woman of excellent character and principles, and exhibits a cheerful resignation to her hard lot (she is still young) that is most exemplary." For these and other reasons the earl bequeathed to her the sum named.

The earl further writes, on 29th May 1858, a few months before his death, " I desire to leave to those servants who have liv'd the longest time in my family a certain sum of money in testimony of my goodwill, and my satisfaction with their conduct in their respective stations, and I have stated at the close of each bequest the length of the service of each." Here a number of the household and other servants are named, with the sums to be given to them, and the term of their services, ranging from 57 to 5 years. To Thomas Martin, his gamekeeper, is left an annuity of £100, after a service of 57 years, and, as the earl adds, "There is not a better gamekeeper in the kingdom." The gardener, Thomas Lees, receives a legacy of £200, coupled with a statement to mark the earl's respect for his character and conduct, and his entire satisfaction with his service as " a first-rate gardener."

The latest codicil contains a list of intimate friends, including the Earl of Aberdeen, the Lord Justice-Clerk Hope, the Earl of Beverley, and his son, Lord Lovaine, to whom the earl leaves various tokens of remembrance and regard. These need not be detailed; but it may be noted that each bequest is accompanied with some kindly remark or reminiscence.

This venerable nobleman died, as we have said, on the 1st December 1858, at the age of seventy-eight, at his residence of Tynninghame. Near his own mansion, which he had rebuilt thirty years before, the remains of Lord Haddington were interred on the 9th December 1858, within the precincts of the ancient church of Tynninghame, where also the remains of the previous Earls of Haddington repose. The earl's funeral was attended, in compliance with his own wish, not only by relatives, but by the tenantry on the estates, and the labourers and others in his employment. The earl was survived by his countess, who caused a tablet to be erected to his memory, with the following inscription:—" Sacred to the memory of Thomas Hamilton, ninth Earl of Haddington, Baron Melrose, K.T., who departed this life on the 1st of December 1858. This is erected by his disconsolate widow to record his many virtues, his just and upright character, and the great esteem in which he was held by those who had the happiness to possess his friendship." Lady Haddington did not long survive her husband, having died on 11th February 1861, and her remains were interred in a grave adjoining that of her husband on the 19th of the same month.

As they had no issue, his title of Baron Melros of Tynninghame, of the United Kingdom, being limited to the heirs-male of his body, became extinct; and his Scottish honours, as well as his landed estates, devolved on his cousin, George Baillie of Jerviswoode and Mellerstain, who became tenth Earl of Haddington, and of whom a memoir follows.

XX.—GEORGE, TENTH EARL OF HADDINGTON.

GEORGINA MARKHAM, HIS COUNTESS.

1858—1870.

On the death of Thomas, ninth Earl of Haddington, in December 1858, without issue, the succession to the family honours and estates devolved upon his second cousin, George Baillie of Jerviswoode and Mellerstain, as the heir-male of the family. He was the eldest grandson of the Hon. George Hamilton, the second son of Charles, Lord Binning, who died in 1733. The Hon. George Hamilton was educated along with his elder brother, Thomas, seventh Earl of Haddington, at Oxford, under the immediate superintendence of their maternal grandfather, George Baillie of Jerviswoode and Mellerstain, after whom he was named, and to whose estates he ultimately succeeded, assuming thereupon the surname and arms of Baillie. Lady Murray of Stanhope, in her memoir of her mother, Lady Grisell Baillie, relates of her nephew George, that during the rebellion of 1745, when his grandmother and the whole household were being sorely distressed for want of money, he, unknown to any one, sold his horse, of which he was very fond, and brought the proceeds, £18, to Lady Grisell Baillie, to assist the household expenses.[1] On succeeding to Jerviswoode and Mellerstain, which he did on the death of Lady Murray in June 1759, he, as stated, assumed the surname of Baillie. He married Elizabeth, daughter of John Andrews, in or before 1759, and by her, who died at Mellerstain on 24th April 1799, had issue, three sons and three daughters, whose names and descendants are given in the tabular genealogy of the family in this work. The Hon. George Baillie died on 16th April 1797, in the seventy-fifth year of his age, and was succeeded by his eldest son,

George Baillie of Jerviswoode, who was born at Mellerstain on 8th October 1763. In 1793 he held the post of captain in the Hopetoun Fencible Regiment. On the general election in 1796 he was chosen by the county of Berwick as their representative in parliament. After a contest, in which he was opposed by Sir Alexander Don, Baronet, of Newton Don, Mr. Baillie polled forty-seven votes, and his rival seventeen, so that Mr. Baillie won the seat by a majority of thirty votes. He was re-chosen at all the subsequent elections until 1818. He married, at Stichill House on 13th July 1801, Mary, youngest daughter of Sir James Pringle of Stichill, Baronet. Mr. George Baillie predeceased her on 11th December 1841, and Mrs. Baillie died on 23d October 1865, aged 85, at Eildon Hall, Melrose, where she had resided for many years. They had six sons:—

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[1] Memoirs of Lady Grisell Baillie, p. 100.

1. George, tenth Earl of Haddington.
2. Hon. Charles Baillie, Lord Jerviswoode, born on 3d November 1804 at Mellerstain. He studied for the Scotch bar, and in 1830 was admitted an advocate. He was appointed an advocate-depute in 1844, and again in 1846 and 1852. In 1853 he was nominated sheriff of the county of Stirling, and in 1858 he was successively called to fill the offices of solicitor-general and lord advocate. In February of the following year the electors of Linlithgowshire chose him as their representative in parliament, but a vacancy occurring on the judicial bench of the court of session shortly thereafter, the judgeship was offered to him and accepted. He took his seat on the bench in 1859 by the title of Lord Jerviswoode. His lordship was also appointed a lord of justiciary in June 1862. He discharged the duties of a lord ordinary in the outer house from his appointment in 1859 till July 1872, when, on the death of Lord Kinloch, he was transferred from the outer to the inner house as a member of the First Division. Lord Jerviswoode continued his duties there till July 1874, when his advancing years and failing health obliged him to resign his judgeship. He then retired to his country seat, Dryburgh House, St. Boswells, Roxburghshire. After enjoying his well-merited retirement there for five years, he died on 23d July 1879. His remains were interred in the family burying-ground at Mellerstain. Before he removed from Edinburgh, Lord Jerviswoode was for many years an elder in St. Cuthbert's parish church, during the incumbency of Dr. Paul and Dr. Veitch. In all the various offices which he successively filled, his lordship was a man greatly beloved by all classes of men with whom he came into communication officially or privately, and no public man was held in more general esteem and regard. Much might be said of his high and exemplary character. But it would be out of place to enlarge here on his excellence as a man and a Christian, however congenial such themes would be to one who knew him well and loved him dearly. Lord Jerviswoode married, in 1831, Anne Hepburn Scott, third daughter of Hugh Scott of Harden, afterwards fourth Lord Polwarth. Sir Walter Scott, who was at the time of this marriage in Italy, refers to it in a letter to the lady's mother, then Mrs. Scott of Harden. He says:—

Naples, Palazzo Caramanico,
6th March 1832.

MY DEAREST MRS. SCOTT,—Your kind letter of 8th October, addressed to Malta, reached me only yesterday with a number of others which had been tarrying at Jericho till their beards grew. This was in one respect inconvenient, as I did not gain the benefit of your advice with regard to my travels, which would have had a great influence with me. Moreover, I did not learn the happy event in your own family till a newspaper told it me by accident long ago. But as my good wishes are most sincere, it is of less consequence when they reach the parties concerned, and I flatter myself I possess so much interest with my young friends as to give me credit for most warmly wishing them all the happiness which this auspicious event promises. The connexion must be in every respect agreeable to the feelings of both families, and not less so to those of a former generation, provided they are permitted, as I flatter myself, to take interest in the affairs of this life. . . . The young people have been very happy, which makes me think that about next spring I will give your young couple a neighbourly dance. . . My love to Henry, as well as to the young couple. He should go and do likewise.—Your somewhat ancient but very sincere friend,

WALTER SCOTT.[1]

The issue of this marriage is noted in the tabular genealogy in this work.

3. James Pringle Baillie, who was born on 30th January 1806. He was first in 56th regiment, afterwards captain in 81st regiment. He died unmarried on 14th May 1842.
4. Hon. Robert Baillie, who was born on 25th June 1807. He became a major in the 72d Highlanders. After the succession of his eldest brother to the earldom of Haddington, he received, on 5th July 1859, a patent of precedency to himself and his surviving brothers and sisters, as younger children of an earl. Strictly conservative both in politics and religion, and a very exemplary member of the Presbyterian Church of Scotland, he was specially opposed to what were known as "innovations" in the forms of religious worship. He was for many years a much respected member of the General Assembly, and in 1866 petitioned it to take such steps as would secure the inviolable maintenance of "The Westminster Confession as the doctrinal standard of the church, . . . adherence to the simple forms of the church," and as would prevent "any change from being made in the same without competent authority." In 1868 also he took a prominent part in the debates on the question of patronage, and employed his influence on the popular side.

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[1] Lockhart's Life of Sir Walter Scott, vol. vii. pp. 358-360.

Latterly, for many years, he resided with his younger brother, Admiral Thomas Baillie, and their youngest sister, Lady Grisell Baillie, at Dryburgh Abbey. It was while on a visit thence to Lord Polwarth's Haddingtonshire residence, at Humbie, that he caught a chill which terminated in his sudden death there on 28th August 1888, and he was interred in the family vault at Mellerstain. He was distinguished in his parish and beyond it by continuous deeds of benevolence, which rendered his death matter of deep regret and sorrow to the poor of his neighbourhood. Major Baillie died unmarried.

5. Hon. and Rev. John Baillie, who was born on 3d January 1810. He studied for the church, graduating as master of arts, and after taking holy orders in 1833, was appointed rector of Elsdon, and canon-residentiary of York. He was also incumbent of St. James's episcopal church, Cupar-Fife. He married, in April 1837, Cecilia Mary, eldest daughter of the Rev. Charles Hawkins, canon-residentiary of York, and had issue, two sons and six daughters, some of whom also are married, and have issue. (See tabular genealogy of the family.) The Hon. and Rev. Canon, having caught a chill while preaching in the end of July 1888, died from its effects on 7th August following, at the Residence, York. He was in his eightieth year, and having been in orders for over fifty years, was held in high estimation alike for the simplicity and gentleness of his nature and the kindly yet dignified manner in which he discharged his ministerial duties.
6. Hon. Thomas Baillie, who was born on 30th May 1811. He entered the Royal Navy when a boy, and fought at the battle of Navarino. He rose to the rank of admiral. He commanded the British fleet in the White Sea during the Crimean War, and effectually maintained the blockade of the Russian ports there. On his retirement, about 1864, he chose as his residence, first Eildon Hall, then Maxpoffle, and latterly Dryburgh Abbey. In politics he was a steadfast conservative, and in private life was highly respected. For the pastimes of curling and bowling he had a great liking, and he was president of the Border Bowling Tournament. It was on the last day of the tournament of the year 1889, held at Kelso, that Admiral Baillie became suddenly ill, and had to be conveyed to the Cross-Keys Hotel, where he died on 31st July 1889, in his seventy-ninth year. He was never married.

George Baillie of Jerviswoode and his wife, Mary Pringle, had also five daughters:—

1. Lady Elizabeth, who married, on 23d November 1821, John, second Marquis of Breadalbane, and died on 28th August 1861 without issue.

2. Lady Mary, who married, on 5th November 1840, George, fifth Earl of Aberdeen, and had issue, the present Earl of Aberdeen, and other children.
3. Georgina, who married, on 11th November 1835, Henry Francis Hepburn Scott of Harden, Lord Polwarth, and had issue, the present Lord Polwarth, and other sons and daughters. She died at Nice on 2d April 1859. Her husband survived her, and died on 16th August 1867.
4. Lady Catherine Charlotte, who married, on 8th January 1840, Bertram, fourth Earl of Ashburnham, and had issue, the present earl and other sons and daughters. The fourth earl died in 1878, survived by the countess.
5. Lady Grisell, who was born in 1822. She has devoted herself to work of Christian usefulness, and is an attached member of the Presbyterian Church of Scotland. She was appointed a deaconess in the parish church of Bowden near St. Boswells, in December 1888, and has the distinction of being the first lady set apart as a deaconess in Scotland. She resides at Dryburgh Abbey.

George, tenth Earl of Haddington, was born on 14th April 1802. As already stated, he succeeded to the title in December 1858, and on 24th March 1859 obtained the royal licence to add the original surname of Hamilton to that of Baillie, which his grandfather had assumed, and also to quarter the arms of Haddington with those of Baillie. In the latter year also he was chosen one of the sixteen representative peers of Scotland. That election involved a difficulty, in consequence of a resolution which was passed by the House of Lords on 13th May 1822, respecting the voting for the election of representative peers for Scotland, to the effect that no person, upon the decease of any peer or peeress of Scotland, other than the son, grandson, or other lineal descendant, or the brother of such peer, or the son, grandson, or other lineal descendant of such peeress, should be admitted to vote at the election of the sixteen peers to be chosen to sit and vote in the House of Lords of the United Kingdom of Great Britain and Ireland, as representatives of the peerage of Scotland, or at the election of any one or more of such peers to supply any vacancy or vacancies by death or otherwise, until, on claim made on behalf of such person, his right of voting at such election or elections should have been admitted by the House of Lords.[1]

At the date of the election of Lord Haddington as a representative peer, in 1859, that resolution was still in force. It was intended to check the irregularities connected with fictitious claimants to peerages, and their voting at the election of peers. As Lord Haddington was not a son, or grandson, or brother of the late earl, but a second cousin, his vote was affected by the resolution of 1822. To obviate the difficulty of an apparent illegality in his election, Lord Haddington intended to prove his title as Earl of Haddington in the ordinary way, by petition to Her Majesty and reference to the House of Lords. But before these steps were taken another election occurred in the following year. On 15th November 1860, when Lord Rollo was elected, Lord Haddington was present, and the minutes bear that, on his lordship tendering his vote, it was objected by the clerks that in respect no notice had been received by the lord clerk register of any claims made to and admitted by the House of Lords on the subject of the Earl of Haddington's right of voting at elections, the vote now tendered by his lordship appeared to them to be inadmissible under the resolution of that House dated 13th May 1822. Although there could be no doubt whatever of Lord Haddington's right to his title, the returning officers at the election were technically right in noticing that the vote tendered by him was inconsistent with the resolution of the House of Lords, which they were bound to obey.

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[1] Lords Journals, 13th May 1822.

As, however, Lord Haddington had been duly elected a representative peer, and sat and voted in the House of Lords during the past year without objection, he considered it his duty to table the following protest against the returning officer refusing his vote :—

Holyrood Palace,
November 15, 1860.

I protest against the refusal of the clerks at table to receive and record my vote, I having at the last general election been elected one of the sixteen representative peers of Scotland; that my election has been received, acknowledged, and recognised by the House of Lords, in which House I have taken my seat, and have exercised all the rights and privileges of a peer of parliament, the right to my title as a peer of Scotland being thus acknowledged and recognised by the House of Lords.

HADDINGTON.

In order to obviate the difficulty thus created of a peer being capable of election, but not of voting, a case which was not specially provided for in the resolution of 1822, the Duke of Buccleuch moved in the House of Lords for the rescinding of the resolution of 1822. This motion was carried, and settled the question which had been raised. Lord Haddington did not therefore require to take any further steps for the recognition of his title. His lordship attended and voted at the general election of 26th July 1865, when no question was raised as to his vote, and he was again chosen one of the sixteen representative peers. He also attended and voted at the elections of the Earl of Lauderdale on 21st March, and of Lord Elphinstone on 25th November, in the year 1867, and at the general election on 3d December 1868, when he was again elected one of the sixteen representative peers, and he continued to be a representative peer till his death.

After the death of Lord Polwarth, Lord Haddington was, on 10th September 1867, appointed a lord-in-waiting to Her Majesty Queen Victoria, who also in the same year made choice of his lordship to represent her as lord high commissioner to the General Assembly of the Church of Scotland. His commission bears date 13th May 1867, and Her Majesty's selection of his lordship probably arose from his known attachment to the church of his fathers. How he regarded that church, and how highly he esteemed the honour of being Her Majesty's commissioner to it, is manifested in his closing speech at the Assembly. He said :—

> I have deemed—I do deem, that the position I have held in this General Assembly has been the very highest and most distinguished honour which my sovereign could have conferred upon me in this my native land. And it is not merely on account of the honour that I have felt that appointment to be, but because through that appointment I hope that I have formed friendships with many whom I most highly value, friendships which under other circumstances I scarcely could have hoped to have made—friendships which I trust will last, will grow, will strengthen for many a day to come. And now I acknowledge that I feel myself somewhat in a difficulty. I cannot find words to convey to you in befitting language the feelings of gratitude for the address which, through your revered moderator, has now been read to me. Perhaps there are few, in all probability there are none among you who do not know that when deep feelings oppress the heart it is then that the tongue finds difficulty in giving vent to these feelings. So it is with me, and I trust you will forgive me if I say no more than this, that while I live that address shall never be obliterated from my memory. Moderator, I have in a special manner to return my thanks to you. I thank you for the support you have given me from the time I came here till this hour; and, reverend sir, I cannot resist this opportunity of saying how deep an impression the beauty and solemnity of these prayers which I have heard you from day to day offer up in this house have made upon my mind, and now it only remains for me to bid you—will you allow me the expression, because it comes from the heart—to bid you an affectionate farewell. You are to separate; you are to return to your respective homes; many of you, very many of you, to the discharge of the most responsible and most solemn office which can, in my opinion, fall to the lot of any man here below—the ministration of religion, all of you to discharge, I doubt not, faithfully and well, those duties towards God and towards man which devolve upon every man, let his situation in life be what it may, and I pray that the Almighty giver of all good may bestow upon you all health, all happiness, all prosperity, and crown you with choicest blessings.

This honour was renewed in the following year, 1868, when Lord Haddington again represented Her Majesty at the meeting of the General Assembly. His commission is dated 2d May. At the customary levee at Holyrood Palace prior to the opening of the assembly his lordship appeared in the uniform of an ensign of the royal Scottish archers. His appointment was welcomed by the assembly, as his suavity and benign presidency of the former assembly had approved Her Majesty's choice to the Scottish Church. In his closing address to the assembly he said:—

> Right reverend and right honourable, your deliberations in this General Assembly have now come to a close. I trust that the issue of your decisions will only tend to the permanent prosperity of the Church of Scotland. Yes, right reverend and right honourable, I do trust that under the guidance of divine providence the issue of your decisions may prove to be such, because I yield to no member in this General Assembly in my unfeigned respect for the Established Church of my native land, and in my desire to think that you will transmit her in all her integrity and in all her purity to your children's children. However high, however deeply I might esteem the honour which was conferred upon me by the gracious command of Her Majesty last year to represent her in the General Assembly, I do feel that honour still more sincerely on the present occasion, because I cannot but feel it an additional honour that I should have again, for the second time, received the gracious command of my sovereign to represent her in this General Assembly, which, as I have already stated, I esteem to be one of the greatest possible honours that my sovereign could confer upon me. . . .

In his official duties as lord high commissioner the earl was ably supported by his countess, and also by Lord Binning. His countess, whom he married on 16th September 1824, was Georgina, daughter of the Ven. Robert Markham, archdeacon of York. They had issue, four sons, and three daughters. His lordship, who also held the office of deputy-lieutenant of the county of Haddington, died at Tynninghame on 25th June 1870, and his remains were interred in the private family burying-ground in the old church of Tynninghame on the 5th of July. His countess survived him till 26th February 1873, when she died at Lennel. Her remains were interred in a grave adjoining that of her husband, on the 7th of March.

Their sons were—

1. George, who succeeded as eleventh Earl of Haddington, and of whom a notice follows.
2. Hon. Robert Baillie-Hamilton, who was born on 8th October 1828. Choosing the army as a profession he rose to the rank of major. He served in the Crimean campaign in 1854-55, for which he received the medal with three clasps, and the Turkish and Sardinian medals; and as a brigade-major in the China war in 1860, for which he obtained another medal with clasp, and brevet rank as major in the army. From 1874 to 1880 he represented the county of Berwick in parliament. He is a justice of the peace and a deputy-lieutenant for that county. He married, on 18th July 1861, Mary Gavin, elder daughter of Sir John Pringle, Baronet, and his second wife, Lady Elizabeth Campbell, elder daughter of John, first Marquis of

Breadalbane. On the death of Lady Elizabeth Pringle in 1878, her daughter, the Honourable Mrs. Baillie Hamilton, succeeded to the estate of Langton, in the county of Berwick, where she and her husband reside.

3. Clifton Baillie, who was born on 5th March 1831, and died on 3d April 1857.
4. Hon. Henry Baillie-Hamilton, who was born on 20th August 1832. He made choice of the Royal Navy as a profession, from which he retired on attaining the rank of Commander. He served in the Kaffir war, 1851, for which he obtained a medal, and was mentioned in despatches for services at Buffalo Mouth by Sir Harry Smith, governor and commander-in-chief of the Cape of Good Hope. He also served in the Black Sea during the Crimean war, 1855, where he was severely wounded, and for which he received a medal with clasp, the Turkish medal, and was made a knight of the Medjidie, 4th class. He is a justice of the peace for Berwickshire. He married, on 17th October 1872, the Hon. Harriet Frances Scott, third daughter of Henry Francis, Lord Polwarth. He resides at Lennel House, county of Berwick. They have had issue, five daughters, as detailed in the tabular genealogy of the family.
5. Percy, who died in infancy in 1835.
6. Hon. and Rev. Arthur Charles Baillie-Hamilton, who was born on 16th February 1838. Entering the Church, he took holy orders, and is rector of Combs, and vicar of Badley, Suffolk. He married, in 1866, Alice Anne, youngest daughter of Sir David Baird, Baronet, of Newbyth, county of Haddington, and has issue one daughter, Margaret, who was born in 1868.

The daughters of George, tenth Earl of Haddington, and his countess, Georgina, were—

1. Lady Mary, who married, on 7th June 1855, the Honourable and Rev. Henry Douglas, the third son of George Sholto, Earl of Morton, and who is vicar of St. Paul's, Worcester, and has issue.
2. Lady Frances, who was born in 1829.
3. Lady Georgina Sophia, who married, on 17th October 1861, Sir Harry Foley Vernon, first Baronet of Hanbury Hall, Worcestershire, M.P., and has issue.

XXI.—GEORGE, ELEVENTH EARL OF HADDINGTON.

HELEN CATHERINE WARRENDER (LOCHEND) HIS COUNTESS.

B. 1827, S. 1870.

GEORGE BAILLIE HAMILTON ARDEN, now Earl of Haddington, Lord Binning and Byres, was born on 26th July 1827. On the death of Thomas, ninth Earl of Haddington, in December 1858, and the succession of his father to the earldom of Haddington, he obtained the courtesy title of Lord Binning, by which he was known until his own succession as Earl of Haddington in 1870.

His lordship married, on 17th October 1854, Helen Catherine, youngest daughter of Sir John Warrender, of Lochend, baronet. Through her mother, the Hon. Frances Henrietta Arden, daughter of Lord Chief-Justice Alvanley, Lady Haddington became heiress of the Alvanley estates, in the county of Chester. Her grandfather, Richard Pepper Arden, who had a distinguished legal career as solicitor-general in 1782, attorney-general in 1784, master of the rolls in 1788, and lord chief-justice of the Court of Common Pleas in 1801, was, in the last-mentioned year, created Baron Alvanley of Alvanley, in the county of Chester. He had two sons, William and Richard Pepper Arden, who became successively second and third Barons Alvanley. On the death of the latter without issue, on 24th June 1857, the title became extinct and the estates devolved on Helen Catherine Warrender, then Mrs. George Baillie, younger, of Jerviswoode and Mellerstain, as the only surviving child of her mother, Frances Arden, wife of Sir John Warrender.

In consequence of this succession on the part of the countess, his lordship, who, by the accession of his father to the earldom of Haddington, had now become Lord Binning, obtained, on 31st December 1858, licence from the Crown, authorising him to assume the surname of Arden in addition to that of Baillie, and to quarter the arms of these families. And as his father, a few months later, on 24th March 1859, obtained a similar licence to re-assume the surname of Hamilton, the earl's surnames became Baillie-Hamilton-Arden. That of Arden, however, is not assumed by the children of the Earl and Countess of Haddington, save the younger son, who will succeed to the Alvanley estates.

His lordship holds several public offices and appointments. At the general election of the sixteen representative peers of Scotland, on 18th February 1874, he was elected one of the number, and he has been re-elected at all subsequent general elections. On the death of George, Marquis of Tweeddale, Lord Haddington was, by royal warrant given under the hand of her Majesty at the Court of Saint James's on 14th November 1876, appointed lord-lieutenant of the county of Haddington, and of all cities, boroughs, liberties, places incorporated and privileged, and other places whatsoever, and the limits and precincts of the same in the said county.[1] Lord Haddington has also held the office of vice-lieutenant of the county of Berwick since the year 1864. He is now colonel of the East Lothian Yeomanry Cavalry, with which he has been connected since the year 1853. He is a brigadier-general in the Royal Company of Archers, the queen's body-guard for Scotland; and his lordship has served in the office of high-sheriff of the county of Chester.

Lord Haddington also belongs to the Order of Freemasons, and holds high rank in that body, being Grand Master Depute of Scotland, and Provincial Grand Master of the counties of Berwick and Haddington. Since he became a member of the House of Lords, Lord Haddington has not taken a prominent part in debates; but in February 1877, he seconded the motion on the Address to Her Majesty on an interesting occasion. He congratulated the House not only on the fact that Her Majesty had been able to open Parliament in person, but that since she had performed that function last year a new dignity had been added to the Crown. Though in the eyes of Englishmen, he said, no additional lustre could be shed upon the Crown thereby, yet in India the new title of Empress of India had been hailed with much satisfaction, and had called forth the expressions of pleasure from Her Majesty's feudatories of their just appreciation of her illustrious protectorate. Lord Haddington had also the pleasure in the same speech of congratulating the House of Lords on the first appearance in their midst of Mr. Disraeli, as Earl of Beaconsfield, "who in the other House of Parliament had never taken part in a debate without elevating its tone."[2]

Another occasion on which Lord Haddington took an active part was in connection with the Hypothec Abolition (Scotland) Bill, in March 1880. The earl moved the second reading of the Bill in the House of Lords, within a few days of the close of the Parliament, and he hoped that it would be read a second time without a division. This was done, and the next day the Bill also passed through Committee, notwithstanding the powerful opposition of the veteran Chairman of Committees, the Earl of Redesdale, who stoutly protested against Lord Haddington's motion, because of the objectionable manner in which the Bill had been taken, at a late period of the session, in a small House, and virtually without proper notice. Lord Haddington, however, persisted because the subject was one in which he believed the landlords of Scotland to be unanimous, and it was also a Bill on which the tenant-farmers in the south of Scotland felt very strongly.[1]

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[1] The warrant passed the Great Seal on 30th November 1876.—[Lib. xlv. No. 226.]

[2] Hansard, 3d ser. vol. 232, col. 14. 8th February 1877.

Lord Haddington's name is also connected with another incident of a pleasing character. In the year 1882, he had the honour of performing the ceremony of unveiling a marble tablet on the house which was occupied by Sir Walter Scott, the "Wizard of the North," during his stay in Rome. The tablet was placed there in commemoration; and it added to the peculiar interest of the ceremony that the venerable Duc de Salmonetta, with whom Sir Walter travelled in Italy, was present on the occasion, and took part in the proceedings.

Helen Catherine Warrender, Countess of Haddington, took an active interest in the present work. She read the proof-sheets of all the memoirs in the first volume, from the commencement to the end of the memoir of the first Earl of Haddington. Her remarks upon them showed a nice discrimination. Subsequent memoirs were prepared for her perusal also. But this was interrupted by a visit of six weeks which she made, in February 1889, to the Dowager-Countess of Crawford, at Florence. On returning through London, Lady Haddington caught a chill, which developed into pleurisy. Her ladyship progressed favourably for several weeks. During that time, being confined to bed, and not allowed to attend to business, her thoughtfulness about the progress of this work still continued, and she arranged that eight more boxes of correspondence of the eighth and ninth Earls of Haddington should be forwarded to me for my inspection. Soon after a relapse occurred, accompanied with paralysis. After weeks of severe suffering, borne with Christian resignation, Lady Haddington died at Tynninghame on Wednesday, 29th May 1889. By her own desire, her funeral took place quite privately in the family burying-ground within the precincts of the ancient church of Tynninghame, on Saturday, 1st June 1889.

Three sons and four daughters were born of the marriage of George, eleventh Earl of Haddington, and his countess:—

1. George, Lord Binning, born on the 24th December 1856. He was educated at Eton, and Trinity College, Cambridge, at which University he took his degree in 1879. He entered the army 1881, and in 1882 he served with his regiment, the Royal Horse Guards, through the Egyptian campaign, and was present at the second action at Kassassin, the battle of Tel-el-Kebir, and the subsequent march to Cairo, receiving the Egyptian medal

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[1] Hansard, 3d ser. vol. 251, col. 957, 958. 15th March 1880.

with clasp, and Khedive's Star. In 1884 he was selected to serve with a detachment of his regiment in the Soudan Expedition, and with the Camel Corps under Sir Herbert Stewart, was present at the memorable battle of Abu Klea, the battle of El-Gubat, the action before Metammeh, and the affair at Shabacat Wells, for which he received two clasps (Abu Klea and Nile). In 1888 he was appointed aide-de-camp to Lord Dufferin, then Viceroy of India, and again saw service on the staff of Brigadier-General Galbraith, commanding the 2d Brigade in the Black Mountain Expedition. He was present at the action of Kotkai, and twice received mention in despatches, and the Indian medal with clasp (Hazara). He subsequently served for a time as aide-de-camp to Lord Connemara, Governor of Madras, and at the present time holds the rank of captain in his regiment. He also holds a commission in the East Lothian Yeomanry, and is a deputy-lieutenant for the counties of East Lothian and Berwickshire.

2. Hon. Richard Baillie Hamilton-Arden, born on 28th August 1858. He also entered the army, and was a lieutenant in the Rifle Brigade. He died at Poona on 12th August 1881.
3. Hon. Henry Robert Baillie Hamilton-Arden, born on 4th October 1862. He likewise has chosen the army as a profession, and holds the rank of lieutenant in the Coldstream Guards.
4. Lady Ruth Baillie Hamilton, who was born in 1855.
5. Lady Isabel Baillie Hamilton, who died in infancy on 17th November 1859.
6. Lady Grisell Baillie Hamilton, who was born in 1861.
7. Lady Cecely Baillie Hamilton, who was born in 1868.

ARMORIAL BEARINGS.

THE armorial bearings of the family of Haddington are:—Quarterly: 1st and 4th grand quarters, Hamilton, quarterly, gules, on a chevron between three cinque foils, argent, a buckle azure, between two spots of ermine, all within a bordure or, charged with eight thistles vert, for HAMILTON OF BYRES; 2d and 3d argent, a fesse wavy between three roses gules barbed and seeded, proper, for the title of MELROS; 2d and 3d grand quarters, BAILLIE, sable, the sun in his glory, betwixt nine stars, three, two, three, and one, argent.

Crests.—Dexter, HAMILTON, two dexter hands issuing out of clouds, conjoined fessewise and holding betwixt them a branch of laurel erect, all proper; sinister, BAILLIE, a crescent, or.

Supporters.—Two talbots argent, plain collared, gules.

Mottoes.—Over HAMILTON crest, Præsto et persto (I undertake and persevere). Over BAILLIE crest, Major virtus quam splendor (Virtue is greater than splendor).

The present earl, since his assumption of the surname of ARDEN, bears the arms of that family:—Gules, three crosses crosslet fitchee, or, a chief of the last, in the 1st and 4th quarters of his shield; and for his first crest, out of a ducal coronet, or, a plume of six ostrich feathers, three and three, gold.

LIST OF HADDINGTON FAMILY PORTRAITS AT TYNNINGHAME.

1. Thomas, first Earl of Haddington; three portraits.
   One of these, a small portrait, has been engraved for this work.
2. Thomas, second Earl of Haddington: full length portrait by Vandyck.
   This was one of ten portraits by that celebrated painter belonging to the Duke of Bedford, at Woburn, and was acquired by Thomas, ninth Earl of Haddington, after protracted negotiations.
3. The same earl: small portrait by Theodore Russell.
   It was given to Thomas, ninth Earl of Haddington, by the late Duke of Bedford.
4. The same earl; with his first wife, Lady Catherine Erskine, and their four children; also a dwarf page: painted by Jameson.
5. The same earl: two other portraits.
   One of the small portraits of the second earl has been engraved for this work.
6. Lady Catherine Erskine, Lady Binning, first wife of Thomas, second Earl of Haddington.
7. Thomas, third Earl of Haddington.
8. Lady Henrietta Coligny, his countess.
9. John, fourth Earl of Haddington.
10. The same earl, in armour.
11. Lady Christian Lindsay, daughter of John, Earl of Crawford and Lindsay, and countess of John, fourth Earl of Haddington.
12. Charles, fifth Earl of Haddington, attired in his parliamentary robes.
13. Lady Margaret Leslie, Countess of Rothes and Haddington, wife of Charles, fifth Earl of Haddington.
14. John Hamilton Leslie, eighth Earl of Rothes, eldest son of Charles, fifth Earl of Haddington, in armour: painted by Sir John Medina.
15. Thomas, sixth Earl of Haddington, in armour: painted by Sir John Medina.
16. The same earl, attired in a blue dress, and wearing a large wig: painted by Sir Godfrey Kneller. [Helen Hope, the countess of this earl, lived to be upwards of ninety. She lived eight years in the reign of King Charles the Second, and eight in that of King George the Third.]
17. The same earl in the character of Simon the Skipper. The portrait was engraved in Park's edition of Walpole's Royal and Noble Authors, vol. v.
18. Charles, Lord Binning, eldest son of Thomas, sixth Earl of Haddington.

19. Rachel Baillie, of Jerviswoode, wife of Charles, Lord Binning.
20. The same lady, with two of her children, Thomas, afterwards seventh Earl of Haddington, and Grisell, who became Countess of Stanhope.
21. Thomas, seventh Earl of Haddington, attired in the uniform of the Caledonian Hunt.
22. The same earl: another portrait.
23. Mary Holt, daughter of Rowland Holt of Redgrave, in Sussex, and countess of Thomas, seventh Earl of Haddington. She was the niece or grand-niece of Chief-Justice Sir John Holt.
24. The Hon. George Hamilton Baillie of Jerviswoode and Mellerstain, younger brother of Thomas, seventh Earl of Haddington.
25. Sir David Dalrymple, Lord Hailes, son of Lady Christian Hamilton, the youngest daughter of Thomas, sixth Earl of Haddington.
26. Charles, eighth Earl of Haddington, attired in his robes as an earl: by Sir Joshua Reynolds.
27. The same earl: also by Sir Joshua Reynolds.
28. Lady Sophia Hope, countess of Charles, eighth Earl of Haddington: painted by Sir Joshua Reynolds.
29. Thomas, ninth Earl of Haddington: painted by MacInnes.
30. The same earl: painted by Swinton.
31. Lady Maria Parker, countess of Thomas, ninth Earl of Haddington.
32. George, tenth Earl of Haddington : by Partridge. (Portrait now at Lennel House.)
33. Lady Grisell Baillie.
34. Grisell Baillie, Lady Murray of Stanhope.
35. Colonel Alexander Hamilton, general of artillery.
36. Sir John Hamilton of Magdalens, lord-clerk register.
37. Charles, Lord Binning, and John, Lord Leslie, as boys: by Medina.
38. John, ninth Earl of Rothes, lieutenant-general: by Sir Joshua Reynolds.

Among other than the family portraits there are—

39. Queen Mary; two portraits.
40. King James the Sixth; one portrait.

GENEALOGY OF THE HAMILTONS, EARLS OF HADDINGTON.

GILBERT, the earliest known progenitor of the Hamiltons in Scotland. He was the father of

WALTER FITZ-GILBERT, who flourished during the War of Independence, and in the interests of King Edward the First of England was captain of the Castle of Bothwell. He joined Bruce after the battle of Bannockburn, and received from him the lands of Cadzow (now Hamilton) and Machan or Dalserf in Lanarkshire, and those of Kinneil in Linlithgowshire. He was twice married, his first wife, named Helen ——, dying before 1320, by which time he had married his second wife, Mary Gordon. He had issue two sons.

DAVID, son of Walter, who was ancestor of the Hamiltons, Earls of Arran and Dukes of Hamilton and Abercorn.

JOHN, son of WALTER FITZ-GILBERT. He married Elizabeth, daughter of Sir Alan Stewart of Daruley and Crookston, and from his wife's brother acquired the lands of Ballencrieff and others in Linlithgowshire. Along with his nephew, the Laird of Cadzow, he seems to have assumed the surname of Hamilton. He was succeeded by his son,

SIR ALEXANDER HAMILTON OF INNERWICK. He married Elizabeth, younger daughter and co-heiress of Thomas Stewart, Earl of Angus, and obtained with her the lands of Innerwick, in Haddingtonshire, and Balnabein and Drumcairn, in Perthshire. He died before 1454, when his son,

SIR ARCHIBALD HAMILTON OF INNERWICK, was infeft in these lands. He married Margaret, daughter of John Montgomerie of Thornton, and dying before July 1488, was succeeded by his son,

SIR ALEXANDER HAMILTON OF INNERWICK. He had a charter to himself and his wife in 1465 of the lands of Ballencrieff and others, and during his father's life was styled "of Ballincrieff." He married Isobel, daughter of John Schaw of Sauchie, and died *c.* 1505, leaving issue.

ALISON, who married, before 14th December 1477, John Montgomerie of Thornton.

HUGH HAMILTON of Innerwick, who succeeded his father in Innerwick, Ballencrieff, etc., and continued the main line of the family of Hamilton of Innerwick.

JOHN HAMILTON, who is mentioned in the Treasurer's Accounts for 1489.

ALEXANDER HAMILTON, mentioned in a charter dated 1503.

THOMAS HAMILTON OF ORCHARDFIELD AND PRIESTFIELD, in Midlothian, which lands he acquired from Henry Cant, the nephew of his wife, Margaret, sister of Adam Cant of Priestfield. He died in or before 1537, leaving two sons.

ALISON.

THOMAS HAMILTON OF ORCHARDFIELD AND PRIESTFIELD was infeft in these lands in 1537. He had acquired possession of Balleucrieff and other lands in West Lothian, which he exchanged with his cousin, James Hamilton of Innerwick, for Balnabein and Drumcairn in Perthshire. He was made a burgess of Edinburgh in 1541, and was killed at Pinkie Cleuch on 10th September 1547. He married Elizabeth, daughter of Robert Leslie of Innerpeffer, who survived him and married William Hutson. He left issue two sons and a daughter.

GEORGE HAMILTON, called second son. He was created a burgess of Edinburgh, along with his brother, on 29th April 1541.

THOMAS HAMILTON OF PRIESTFIELD, who was served heir to his father on 15th April 1549, while still under age. He was appointed a Lord of Session, under the title of Lord Priestfield, in May 1607, but resigned that office in June 1608 in favour of his son, Andrew. He married, first, Elizabeth, daughter of James Heriot of Trabroun, by whom he had one son and one daughter; and, secondly, Elizabeth, daughter of Sir Andrew Murray of Blackbarony, and widow of James Borthwick of Newbyres, by whom he had four sons and two daughters.

JOHN HAMILTON, who became a secular priest in the Roman Catholic Church, and distinguished himself by great zeal and activity in its service. He was imprisoned in the Tower of London in 1609, and died there in 1610.

MARION, who married James Makcartnay, a lawyer in Edinburgh, and had issue.

SIR THOMAS HAMILTON, born 1563, studied law in France, was admitted advocate 1587, appointed a Lord of Session in 1592 by the title of Lord Drumcairn, in 1595 Lord Advocate, and in 1616 President of the Court of Session. In 1612 he was made Lord Clerk Register and Secretary of State. In 1613 he was elevated to the peerage as Lord Binning, and shortly afterwards created Earl of Melrose, patent dated 20th March 1619, but this latter title was suppressed on his creation as EARL OF HADDINGTON on 27th August 1627. He was made Keeper of the Privy Seal in 1626, and died on 29th May 1637, aged 74. He married, first, in 1588, Margaret, daughter of James Borthwick of Newbyres, who died in December 1596; secondly, Margaret, daughter of James Foulis of Colinton, who died 31st May 1609; and thirdly, Julian Ker, daughter of Sir Thomas Ker of Ferniehirst, and widow of Sir Patrick Hume of Polwarth. She died in March 1637. By all three wives he had issue.

a

SIR ANDREW HAMILTON, Lord Redhouse, a Lord of Session, appointed such on his father's demission in 1608. He married Jean, daughter and heiress of John Laing of Redhouse. They had a charter of the lands of Easter Spittle in 1612, and had issue three sons and a daughter.

b

SIR JOHN HAMILTON of Magdalens, Linlithgowshire. He was appointed a Lord of Session on 27th July 1622, and Lord Clerk Register in the same year. He died at Holyrood House on 28th November 1632, and was buried in the Abbey Church there. He had issue, only daughters.

SIR PATRICK HAMILTON of Little Preston. He was Under Secretary of State to his brother the Earl of Haddington. He married Elizabeth, daughter of Ninian Macmorran, merchant in Edinburgh, and had issue a son and three daughters.

c

ALEXANDER HAMILTON, General of Artillery. He died in 1649. He was thrice married. His first wife was a sister of Thomas Dalzell, the Royalist general; his second, a lady of the name of Cochrane; and his third, a daughter of Sir David Crichton of Lugton. He left issue, a son Alexander, who died in 1655, and a daughter Elizabeth, married to James Murray.

CHRISTIAN, who married, in 1592, Sir Alexander Hamilton of Innerwick, and had issue.

ELIZABETH, who married Sir William Scott of Ardross, and had issue.

MARGARET, who married William Kirkcaldy of Grange, and had issue.

a

THOMAS, second Earl of Haddington, born 25th May 1600, succeeded his father in 1637. He joined the Covenanting army, and served with it in England; but while engaged on duty in Berwickshire, was killed on 30th August 1640 by the explosion of the powder magazine at the Castle of Douglas. He was twice married, first, to Lady Catherine Erskine, fourth daughter of John, Earl of Mar, who died on 5th February 1635, and by whom he had six sons and one daughter; secondly, on 14th January 1640, to Lady Jean Gordon, third daughter of George, second Marquis of Huntly, by whom he had a posthumous daughter.

Hon. Sir James Hamilton of Priestfield, born 29th May 1603. He was for some time commendator of the Priory of Haddington. He was gentleman of the bedchamber to King Charles the First in 1638. He obtained the lands of Priestfield, Drumcross, and others, from his father, but disponed Priestfield to his uncle Alexander. He married (contract dated 18th September 1623) Anne, eldest daughter of Sir Patrick Hepburn of Waughton, and had issue four sons and two daughters.

Hon. Sir John Hamilton of Trabroun, born 3d November 1605. He acquired Trabroun and other lands from the Heriots of Trabroun. He married, when in his sixteenth year, on 7th August 1621, Catherine, only child of Alexander Peebles of Middleton and Skirling, and had issue, besides a daughter Jean, a son Thomas, who died *s.p.* before 15th October 1647. Sir John Hamilton predeceased his father.

Hon. Robert Hamilton of West Binning in Linlithgowshire, born 14th May 1615. He was killed at Dunglas with his brother the Earl, in August 1640, and being unmarried, his estates were inherited by his nephew Earl John, who was served as his heir on 4th March 1647.

Lady Christian, who married, first, Robert, ninth Lord Lindsay of Byres; secondly, Robert, sixth Lord Boyd. Issue to both.

Lady Isabel, who married (contract dated 22d November 1610) James Ogilvie, first Earl of Airlie. Issue.

a

b

THOMAS, third Earl of Haddington, succeeded in 1640 while still under age. He travelled on the continent of Europe, and while in France, married (contract dated 30th May 1643) Henrietta de Coligny, eldest daughter of Gaspard, Comte de Coligny, Maréchal of France, a lady celebrated for her wit and beauty. He died of consumption shortly afterwards, on 8th February 1645, being succeeded by his brother John.

JOHN, fourth Earl of Haddington, succeeded his brother, and was served as his heir on 10th April 1645. He married (contract dated 1st January 1648) Lady Christian Lindsay, second daughter of John, Earl of Crawford and Lindsay, and Lady Margaret, second daughter of James, second Marquis of Hamilton, and dying on 31st August 1669, left issue four sons and eight daughters. Lady Christian Lindsay died about 1704.

Hon. Alexander Hamilton, who died young, 13th December 1629.

Hon. —— Hamilton, born in November 1630, and appears to have died young.

Hon. Robert Hamilton, born 28th July, baptized 6th August 1633, but died young.

Hon. James Hamilton, born on 17th, and baptized on 24th September 1634, but died young.

Lady Margaret, born 17th July 1632, but died young.

Lady Margaret, born 15th January 1641. She married, on 24th April 1662, John, first Earl of Kintore, and had issue.

c

CHARLES, fifth Earl of Haddington, born at Struthers on 1st July 1650. He succeeded his father in 1669. He married (contract dated 7th October 1674) Margaret, eldest daughter of John, Duke of Rothes, Chancellor of Scotland. She succeeded on her father's death, in July 1681, as Countess of Rothes. The Earl improved his policies at Tynninghame by planting, etc. He died in May 1685. By his wife he had issue three sons and one daughter.

Hon. Thomas, born in July 1661.

Hon. John, born in October 1663.

Hon. William, born in February 1669.

These three sons appear to have died young.

Lady Margaret, who was born at Struthers on 6th August 1649, and married, on 31st December 1668, John Hope of Hopetoun, and had issue Charles, first Earl of Hopetoun, and Helen, Countess of Haddington.

Lady Catherine, born at Tynninghame on 6th December 1652; died young.

Lady Anna, born at Tynninghame on 16th December 1653; died young.

Lady Helen, who was born at Tynninghame on 24th June 1655, and married (contract dated 5th July 1677) Sir William Anstruther of Anstruther in Fife, and had issue.

Lady Susanna, who was born at Tynninghame on 20th July 1657, married (contract dated 13th March 1679) Adam Cockburn of Ormiston, Lord Justice-Clerk, and had issue.

Lady Christian, born in July 1659.

d

Rothes Line.

JOHN, eighth Earl of Rothes. He succeeded to that dignity in terms of the marriage contract of his parents, the title of Haddington passing to his next brother. He assumed the surname of Leslie, and carried on the line of the Earls of Rothes. He married Jean, daughter of John, second Marquis of Tweeddale, by whom he had eight sons and four daughters. He died on 9th May 1722, and was succeeded by his eldest son.

e

THOMAS, sixth Earl of Haddington, K.T., born in 1680, succeeded his father in 1685. He obtained a charter of the Haddington estates in 1687, and a grant of the hereditary keepership of the Park of Holyrood House, formerly held by his kinsman of Priestfield, in 1691. He was wounded at Sheriffmuir in 1715, where he fought as a volunteer under the Duke of Argyll. In 1716 he was appointed Lord Lieutenant and Sheriff of Haddingtonshire, and elected a representative Peer for Scotland. In March 1717 he was invested with the Order of the Thistle. He married his cousin Helen Hope, and with her aid did much to improve the estates by planting, etc. He died in October 1735, survived by his Countess, who died on 19th April 1768, in her 91st year. They had issue.

f

b

c

a

Lady Margaret, who married, first, David, Lord Carnegie, and had issue two daughters; secondly, James, first Earl of Hartfell, without issue.

Helen, born 16th May 1599, but died young.

Lady Jean, who married John, sixth Earl of Cassillis, and had issue.

Lady Anne, born 24th April 1608, but died unmarried.

Patrick, who was killed at Dunglas on 30th August 1640.

Sir John Hamilton of Redhouse, served heir to his father 16th October 1634. He held a commission in the Scottish army in Sweden, but shortly after returning home was killed by the explosion at Dunglas. He married Helen, daughter of Sir Robert Richardson of Pencaitland, and by her, who died in 1688, had issue a son.

Andrew Hamilton, tutor of Redhouse. He was served heir of conquest to his brother Mr. Patrick, 3d March 1637.

Mr. Patrick Hamilton, called immediate younger brother of Andrew. He died *s.p.* before 3d March 1637.

Elizabeth, who married (contract dated 2d July 1630) James Rig of Carberry.

Sir Patrick Hamilton of Little Preston. He was served heir to his father in Little Preston, etc., on 20th February 1662, and in Braid, etc., on 10th April 1678. He married Hon. Elizabeth Macgill, daughter of the first Viscount Oxfurd, and had issue with a daughter Jean, two sons.

Anne, who married James Hamilton of Westport, and had issue.

Margaret, who married Sir Gideon Scott of Highchester, and had issue. Their eldest son, Walter, married Mary, Countess of Buccleuch, and was created Earl of Tarras for life.

——, who married Sir James Murray of Skirling, and had issue a son James.

b

Thomas Hamilton, eldest son, born on 27th March 1627. He died in August 1636.

Sir James Hamilton of Priestfield, who was served heir to his father on 5th January 1666, as keeper of the Park of Holyrood House. He was still alive in 1691. His descendants, if any, have not been further traced.

Patrick Hamilton, born 14th November 1629.

Alexander Hamilton, born on 10th July 1631.

Margaret, born on 31st March 1626.

Anna, a twin with Alexander, born on 10th July 1631.

Captain Thomas Hamilton of Redhouse, who was served heir to his father on 26th August 1662. He had issue four sons and three daughters.

James Hamilton, named as eldest son in charter of Ewerland, on 7th September 1698.

Colonel Thomas Hamilton of Little Preston and Falahill. He was served heir to his father and grandfather on 27th December 1705. He married Elizabeth Stewart, and had issue, with a daughter Elizabeth, a son,

c

Lady Elizabeth, born in December 1667. She and her sister Lady Christian both died before 1677.

Lady Mary, mentioned in 1686 as living in family with her brother, Earl Charles, and about 1722 she is called his youngest sister in an Act of Parliament obtained by her nephew, the sixth Earl, for the sale of Melrose and other lands. She appears to have died unmarried.

Captain James Hamilton of Redhouse, who died before 1718.

Thomas.

George, who is mentioned as "Captain George" in 1687.

Anna, mentioned as married in 1687.

Elizabeth, mentioned as married in 1687.

Andrew. **Helen.**

All of whom were infeft in fee, along with their grandmother in liferent, in an annuity of £1200 Scots, from a bond of £20,000 over the estate of Byres.

Thomas Hamilton Macgill of Falahill and Oxenford. He succeeded as heir of entail to the Oxenford property on the death of his aunt, the Hon. Mrs. Hamilton of Orbiston, in 1758. He married Elizabeth, daughter of Sir John Dalrymple of Cousland, and dying on 18th October 1779, left a daughter Elizabeth, who married her cousin Sir John Dalrymple, ancestor of the present Earl of Stair.

d

Hon. Charles Hamilton, who died young.

Lady Anna Hamilton, born in August 1676.

Colonel George Hamilton of Redhouse, who was served heir to his father and grandfather in 1718, and to his great grandmother in 1720. For taking part in the Rebellion of 1745 he was executed, and his estates forfeited to the Crown. He appears to have left no issue.

e

JOHN, NINTH EARL OF ROTHES. He married, first, in 1741, Hannah, daughter of Matthew Howard of Thorpe. She died in 1761, and the Earl married, secondly, Mary, daughter of Gresham Lloyd and of Mary Holt, who became Countess of Haddington. He died in 1767, leaving issue by his first wife only.

HON. COLONEL CHARLES LESLIE, who died in 1769.

HON. THOMAS LESLIE, who was equerry to the Prince of Wales, Barrack Master of Scotland, and M.P. for the Perth burghs. He died in 1772.

HON. JAMES LESLIE of Milndeans, advocate, and Sheriff-depute of Fife. He died in 1761.

HON. DAVID LESLIE, who died young.

HON. MAJOR WILLIAM LESLIE, who died in 1764.

HON. FRANCIS LESLIE, who died young.

HON. ANDREW LESLIE, who was equerry to the Princess of Wales. He died in 1776.

LADY JANE LESLIE, who died on 18th March 1771.

LADY MARY, who died in infancy.

LADY MARGARET, who died on 23d February 1767.

LADY ANNE, who died young.

All these died *s.p.*

JOHN, TENTH EARL OF ROTHES. He married Jane, daughter of Thomas Maitland of Soutra, but dying in 1773 *s.p.* was succeeded in the Earldom of Rothes by his elder sister. On his death Thomas, seventh Earl of Haddington, became heir-male of the Earls of Haddington.

HON. CHARLES HOWARD LESLIE, who died on 18th August 1762, aged 15 years.

LADY JANE ELIZABETH LESLIE, Countess of Rothes. She succeeded to the Rothes estate and honours on her brother's death. She died in 1810. Her great grand-daughter, Mary Elizabeth Haworth is the present Countess of Rothes.

LADY MARY LESLIE, who married, in 1770, William Charles, third Earl of Portmore, and had issue. She died in 1799.

THOMAS, SEVENTH EARL OF HADDINGTON. He succeeded his grandfather in 1735. He was educated at Oxford under the oversight of his grandfather Mr. Baillie, and afterwards, in 1740, travelled on the Continent. He was twice married, first, on 28th October 1750, to Mary, daughter of Rowland Holt of Redgrave, in the county of Suffolk, and widow of Mr. Lloyd (by whom she had a daughter who married John, ninth Earl of Rothes, as his second wife) and by her, who died at Edinburgh on 7th September 1785, had issue two sons; and, secondly, on 8th March 1786, Anne, eldest daughter of Sir Charles Gascoigne, by whom he had issue a daughter. The Earl died on 19th May 1794, aged 73.

HON. GEORGE HAMILTON BAILLIE of Jerviswoode and Mellerstain. He succeeded, on the death of his maternal grandfather, to these estates, and assumed on doing so the surname and arms of Baillie. He married Elizabeth, daughter of John Andrews, and by her, who died at Mellerstain on 24th April 1799, aged 62, had issue three sons and three daughters. Mr. Baillie died on 16th April 1797, aged 74.

h

CHARLES, EIGHTH EARL OF HADDINGTON, born 5th July 1753. Succeeded his father in 1794. He was appointed Lord-Lieutenant of Haddingtonshire in 1804, and chosen one of the representative Peers of Scotland in 1807. He married, on 30th April 1779, Lady Sophia Hope, third daughter of John, second Earl of Hopetoun, and by her, who died on 8th March 1813, had issue one son. The Earl died on 17th March 1828.

HON. THOMAS HAMILTON, born on 23d September 1758, and died at London on 1st August 1774, aged 16.

LADY CHARLOTTE, born on 14th March 1790, and died at Bath on 3d May 1793.

i

THOMAS, NINTH EARL OF HADDINGTON, K.T., born 21st June 1780, succeeded in 1828. He was M.P. for St. Germains in 1802, and for Cockermouth and Callington in 1807. In 1827 he was created a Peer of the United Kingdom by the title of Baron Melros of Tynninghame, was appointed Lord-Lieutenant of Ireland 1834, was a Privy Councillor, etc., and obtained the order of the Thistle. He married, 23d November 1802, Maria, daughter of George, fourth Earl of Macclesfield. He died on 1st December 1858, without issue. His countess died on 11th February 1861. Both interred at Tynninghame.

GEORGE, TENTH EARL OF HADDINGTON, born 14th April 1802. He succeeded to the Scottish honours of his cousin in 1858, and resumed the surname of Hamilton. He was a representative Peer, and was Royal Commissioner to the General Assembly. He was also Deputy-Lieutenant for the county of Haddington, and a lord-in-waiting to Her Majesty. He married, on 16th September 1824, Georgina, daughter of the Ven. Robert Markham, Archdeacon of York. He died on 25th June 1870. They had issue.

k

HON. CHARLES BAILLIE, Lord Jerviswoode, a Lord of Session, born on 3d November 1804. He married, on 27th December 1831, Anne, third daughter of Hugh, Lord Polwarth, and died on 23d July 1879, survived by his wife, who died on 15th August 1880. They had issue.

l

JAMES PRINGLE BAILLIE, who was born on 30th January 1806, but died unmarried in 1842.

HON. ROBERT BAILLIE, born on 25th June 1807. He became a major in the army. He obtained a patent of precedency to himself and brothers and sisters in 1859. He died at Humbie on 28th August 1888.

HON. THOMAS BAILLIE, born 30th May 1811, rose to rank of admiral in the Royal Navy. He died on 31st July 1889, unmarried.

HON. and REV. JOHN BAILLIE, fifth son, born on 3d January 1810, was Canon-residentiary of York, etc. He married, in April 1837, Cecilia-Mary, eldest daughter of Rev. Charles Hawkins, Canon-residentiary of York, and had issue. He died at York on 7th August 1888.

m

LADY ELIZABETH, who married John, Marquis of Breadalbane. No issue.

LADY MARY, who married, on 5th November 1840, George, Earl of Aberdeen, and had issue.

GEORGINA, who married, in 1835, Henry Francis, Lord Polwarth, and died at Nice on 2d April 1859. Issue.

LADY KATHERINE-CHARLOTTE, who married, on 8th January 1840, Bertram, Earl of Ashburnham, and has issue.

LADY GRISELL, born 1822.

j

f

g

CHARLES, LORD BINNING, born in 1697. He fought at Sheriffmuir along with his father in 1715. He was, in 1718, appointed Knight Marischal of Scotland. He died at Naples in his father's lifetime on 13th January 1733. He married Rachel, youngest daughter and eventual heiress of George Baillie of Jerviswoode and Mellerstain, who survived him till 31st March 1773, aged 78. They had issue.

HON. JOHN HAMILTON, advocate. He was cashier to the Board of Police, and died at Edinburgh on 11th February 1772. He married, on 8th December 1728, Margaret, daughter of Sir John Home of Blackadder, by whom he had two sons, who died young, and six daughters.

LADY MARGARET, who died unmarried at Edinburgh, 22d February 1768.

LADY CHRISTIAN, who married (contract dated 17th December 1725) Sir James Dalrymple of Hailes, Auditor of the Court of Exchequer. She died 30th June 1770. They had sixteen children, of whom the eldest surviving son was Sir David Dalrymple, Lord Hailes.

h

HON. CHARLES HAMILTON, born 6th October 1725, but died in infancy.

HON. JOHN HAMILTON, born 22d October 1726, died 1730.

HON. CHARLES HAMILTON, born 3d October 1727, entered the army and rose to the rank of Colonel. In 1792 he was appointed Governor of Blackness Castle. He died on 28th September 1806, at Tynninghame, unmarried.

HON. GRISELL, who married, on 24th July 1745, Philip, second Earl Stanhope, and had issue.

HON. HELEN MARY, born 8th October 1724, but died young.

HON. RACHEL, who died unmarried, at Mellerstain, on 20th October 1797.

CHARLES, born 15th September 1741, and died young.

——, who also died young.

CATHERINE, born 10th October 1729, died young.

MARGARET, born 1730, married, 7th June 1753, James Buchanan of Drumpellier, Lanarkshire, and had issue.

HELEN, born 20th May 1734, died young.

CATHERINE, born 6th December 1736, married, on 8th November 1758, Sholto Charles Douglas, tenth Earl of Morton, and had issue.

HELEN, born 1738, married 3d December 1758, Dunbar, fourth Earl of Selkirk, and had issue.

MARY, born 1740, married Sir John Halkett of Pitfirran, Fifeshire, and had issue.

i

GEORGE BAILLIE of Jerviswoode, born 8th October 1763, sometime M.P. for the county of Berwick. He married, on 13th July 1801, Mary, youngest daughter of Sir James Pringle of Stichill, Bart., and died on 11th December 1841, survived by his wife till 23d October 1865. They had issue.

REV. CHARLES BAILLIE HAMILTON of Rumbletonlaw, born on 27th November 1764. He became Archdeacon of Cleveland in January 1806. He married, on 16th April 1797, Lady Charlotte Home, youngest daughter of Alexander, ninth Earl of Home, and died 19th June 1820, survived by his wife till 4th December 1866. They had issue.

THOMAS BAILLIE, who died in infancy.

GRISELL, who died unmarried on 18th October 1800.

RACHEL CATHERINE, who died unmarried on 9th January 1797.

ELIZABETH, who died at Harrowgate on 3d December 1815.

j

SIR GEORGE BAILLIE HAMILTON, K.C.H., born on 4th October 1798. Educated at Trinity College, Cambridge, he entered the diplomatic service of his country, and after serving at Berlin, was appointed Envoy-Extraordinary and Minister-Plenipotentiary to the Grand Duke of Tuscany. He was knighted on 3d August 1831. He succeeded his father in Rumbletonlaw, but conveyed it to his brother Charles in 1837. He died at Florence on 3d August 1850, unmarried.

CHARLES JOHN BAILLIE HAMILTON, born 4th January 1800. He was sometime M.P. for Aylesbury. He married, on 23d January 1821, Caroline, daughter of Willoughby, fourth Earl of Abingdon, and died at Ronco, near Genoa, on 25th August 1865. He had issue.

n

WILLIAM ALEXANDER BAILLIE HAMILTON, born 6th June 1803, rose to the rank of admiral in the Royal Navy. He was for some time Secretary to the Admiralty. He married, on 17th May 1836, Lady Harriet Hamilton, only sister of James, Duke of Abercorn. He died at Portree, in the Isle of Skye, aged 78, on 1st October 1881. Lady Harriet died on 19th March 1884. They had issue.

o

KER BAILLIE HAMILTON, C.B., born in 1804. He married, in 1834, Emma, daughter of Charles Blair. He was appointed Governor of Newfoundland in 1852, and Governor-General of the Leeward Islands from 1855 to 1867. He died at Tunbridge Wells on 6th February 1889. He had issue.

p

THOMAS BAILLIE HAMILTON, who was born in 1805, and married, on 18th April 1838, Anne Maria, second daughter of William Reynolds of Milford House, Hants. He died on 30th October 1838, at Bombay, survived by his widow, who married Major Joseph Scott Philips.

GERARD BAILLIE HAMILTON, who was born on 17th March 1808, and entered the army. He held a commission in the 7th Fusiliers. He married, on 23d September 1833, Augusta, fourth daughter of Colonel Anderson Morshead of Widey Court, Devonshire, and had issue.

q

COSPATRICK BAILLIE HAMILTON, born on 27th February 1807. He entered the navy and rose to the rank of admiral. He was created a Knight of the Medjidie, 4th class. He married, on 10th April 1849, Mary, only child of Thomas Grove of Ferne, Wiltshire, and has issue two daughters.

r

ELEANOR, who married, in 1832, the Hon. William Hugh Scott, second son of Hugh, first Lord Polwarth, and rector of Maiden Newton, Dorset. She died 4th September 1853, leaving issue.

CHARLOTTE AUGUSTA, who married, in 1821, Evan Baillie of Dochfour.

HON. CLEMENTINA, sometime maid of honour to Her Majesty. She married, 10th July 1845, Right Rev. Dr. E. Denison, Bishop of Salisbury.

k

GEORGE BAILLIE HAMILTON ARDEN, ELEVENTH EARL OF HADDINGTON, AND LORD BINNINO AND BYRES, born 26th July 1827, elected one of the Scottish representative Peers, Lord-Lieutenant of the county of Haddington, and Vice-Lieutenant of Berwickshire. He is also Colonel of the East Lothian Yeomanry Cavalry. He succeeded his father in 1870. He married, on 17th October 1854, Helen Catherine, daughter of Sir John Warrender, Bart., and heiress of Richard Pepper Arden, third Baron Alvanley. Lady Haddington died on 29th May 1889. He has issue.

HON. ROBERT BAILLIE HAMILTON, born on 8th October 1828. He entered the army, and rose to the rank of major. He was M.P. for Berwickshire from 1874 to 1880. He married, on 18th July 1861, Mary Gavin, daughter of Sir John Pringle, Bart.

CLIFTON BAILLIE, born on 5th March 1831, died on 3d April 1857.

PERCY BAILLIE, who died in infancy in 1835. He was the fifth son.

HON. HENRY BAILLIE HAMILTON of Lennel, in the county of Berwick, born on 20th August 1832 (fourth son). He entered the Royal Navy, and attained the rank of commander. He was made Knight of the Medjidie. He married, on 17th October 1872, the Hon. Harriet Frances Scott, third daughter of Henry Francis, Lord Polwarth, and has issue.

HON. REV. ARTHUR CHARLES BAILLIE HAMILTON, born on 16th February 1838. He is vicar of Badley, Suffolk. He married, in 1866, Alice Anne, youngest daughter of Sir David Baird, Bart, and has issue.

LADY MARY, who married, on 7th June 1855, the Rev. Henry Douglas, third son of George Sholto, Earl of Morton, and has issue.

LADY FRANCES, born 1829.

LADY GEORGINA SOPHIA, who married on 17th October 1861, Harry Foley Vernon of Hanbury Hall, Worcestershire, M.P.

l

GEORGE PATRICK BAILLIE, who was born on 11th July 1834.

CAROLINE RACHEL, who died in 1859.

ALICE.

MARIA THERESA.

m

HUGH JOHN BAILLIE, who was born on 28th April 1838.

THOMAS GEORGE BAILLIE, born on 30th January 1842. He entered the Church and became rector of Elsdon, Newcastle-on-Tyne. He married, in September 1867, Ellen Isabella, second daughter of Richard Gregson of Sydney, N.S.W., and has issue.

AUGUSTA MARGARET, who married, 17th February 1863, Thomas Edward Yorke of Halton Place, Yorkshire. She died 13th April 1879.

MARY GEORGINA, who married, 14th April 1873, Rev. Walter F. Scott, vicar of Boughton-Monchelsea, Kent.

CECILIA CLEMENTINA, who married, 26th December 1871, Henry Clement, youngest son of Thomas Barstow of Garrow Hill, Yorkshire.

LOUISA RACHEL, died 15th September 1867.

BEATRICE MARY ANNE, who married, 6th April 1875, Thomas, elder son of Lieutenant-Colonel Mackay.

KATHERINE GRISSELL.

s

GEORGE, LORD BINNING, born 24th December 1856, Deputy-Lieutenant for the counties of Haddington and Berwick. He is a captain in the Royal Horse Guards.

HON. RICHARD BAILLIE HAMILTON ARDEN, born 28th August 1858, was lieutenant in the Rifle Brigade. He died on 13th August 1881.

HON. HENRY ROBERT BAILLIE HAMILTON ARDEN, born on 4th October 1862. He is a lieutenant in the Coldstream Guards.

LADY RUTH BAILLIE HAMILTON, born in 1855.

LADY ISABEL BAILLIE HAMILTON, who died in infancy on 17th November 1859.

LADY GRISELL BAILLIE HAMILTON, born in 1861.

LADY CECELY BAILLIE HAMILTON, born in 1868.

GEORGINA, who was born 22d, and died 23d April 1873.

HELEN GEORGINA, born on 5th June 1874.

AMABEL GEORGINA, born 1st July 1876.

KATHARINE ADA GEORGINA.

GENA MARY, born on 12th November 1882.

MARGARET ELLINOR GEORGINA, born 1885.

MARGARET, born in 1868.

RICHARD GEORGE BAILLIE, born 31st December 1869.

JOHN GORDON BAILLIE, born 16th June 1872.

ROBERT BAILLIE, born on 9th September 1878.

n

Peregrine Charles Baillie Hamilton, born 23d May 1823. He married, on 12th July 1848, Mary, daughter of Edward Way, and died on 21st February 1860, survived by his widow till 30th July 1875. They had issue.

Leslie George Baillie Hamilton, who was born in 1838. He entered the Royal Navy, and rose to the rank of lieutenant. He died on 13th January 1876.

Caroline Sophia Elizabeth, who married, in 1844, Count Francis Caissotti de Roubion. She died in 1854.

Emily Eleanor, who married, in 1847, George, Count des Geneys of Genoa.

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George Baillie Hamilton, who was born on 5th March 1837. He died on 18th January 1840.

William Alexander Baillie Hamilton, born on 6th September 1844. He was private secretary to the Right Hon. James Lowther when Chief Secretary for Ireland. He married, on 21st June 1871, Mary Aynscombe, only daughter of Rev. John Mossop of Hothfield, Kent, and has issue.

Charles Robert Baillie Hamilton, who was born on 24th September 1848.

James Baillie Hamilton, who was born on 24th April 1850. He married on 10th August 1886, Lady Evelyn Campbell, daughter of the eighth Duke of Argyll.

Harriet Eleanor, who married, on 22d September 1863, Henry S. King of Manor House, Chigwell, Essex, and has issue.

Laura Frances.

p

Augusta, who died in 1852.

Clementina, who married, on 21st July 1885, as his second wife, Thomas Littleton Powys, fourth Baron Lilford, of Lilford, county Northampton.

Florence Charlotte, who married, on 6th February 1867, Colonel Frederic Bayly, of the Madras Staff Corps, son of Weutworth Bayly of Weston Hall, Suffolk. He died 16th September 1877.

Marion Home.

Eleanor.

Emma.

q

Charles Leslie Baillie Hamilton, born 11th December 1835, entered the army, and is captain in the 51st regiment of infantry.

John Baillie Buchanan Baillie Hamilton of Arnprior, Cambusmore, born on 20th January 1837. He married, on 14th January 1869, Catherine Elizabeth Grace, only daughter and heiress of Alexander Buchanan of Arnprior, and has issue.

Henry Baillie Hamilton, who was born 21st April 1840. He entered the navy, but died in 1854.

Thomas Baillie Hamilton, born 16th March 1844.

Gerard Baillie Hamilton, born on 3d December 1845.

George Gustavus Baillie Hamilton, born 1st August 1847.

Elizabeth

Charlotte Sophia.

Anne.

Mary Frances (twin with Thomas), died 8th March 1870.

Augusta Ilbert.

r

Mary, who married, on 18th July 1872, the Rev. Spencer Compton Hamilton Spencer Smith, vicar of Kingston, Dorsetshire, and has issue.

Charlotte Elizabeth, who married, 25th June 1878, Richard Arthur, fourth son of Rev. Richard Seymour, canon of Worcester, and has issue.

s

Cecilia Mary, born on 12th March 1871.

Katherine Grisell, born on 5th August 1874.

Edith Georgina, born on 24th December 1875.

Ellen Ruth Gertrude, born on 19th May 1877.

Rev. George James Baillie Hamilton, who married, in 1875, Eliza, daughter of Rev. L. Fry.

Lesa Baillie, who married John Ball.

George Douglas Baillie Hamilton, born on 26th September 1875.

Walter Stuart Baillie Hamilton, born on 9th August 1880.

John Edmonstone Baillie Buchanan Baillie Hamilton, born on 11th September 1874.

Arthur Baillie Buchanan Baillie Hamilton, born on 2d June 1876.

Morshead Baillie Buchanan Baillie Hamilton, born on 11th February 1878.

Neil Alexander Baillie Buchanan Baillie Hamilton, born 25th November 1880.

Elizabeth, born on 9th November 1869.

Nannie-Katherine, born on 4th June 1871.

COLLECTED SIGNATURES.

Thomas hamilton Binning with my hand

No. 1. No. 2.

Melros with my hand

No. 3.

Hadinton

No. 4.

Juliane Ker lady binning

No. 5.

Hadinton: Catherene Erſkine

No. 6. No. 7.

Hadinton

No. 8.

Henriette de colligny

No. 9.

1. Thomas, first Earl of Haddington, as Sir Thomas Hamilton, 1613.
2. The same, as Lord Binning, 1617.
3. The same, as Earl of Melrose, 1622.
4. The same, as Earl of Haddington, 1630.
5. Lady Julian Ker, his Countess, *c*. 1613.
6. Thomas, second Earl of Haddington, 1640.
7. Lady Catherine Erskine, his first wife, 1622.
8. Thomas, third Earl of Haddington, 1642.
9. Henrietta de Coligny, his Countess, 1643.

Hadinton

No. 1.

Chrestin Lindesay

No. 2.

Hadintone

No. 3.

Margaret Leslie

No. 4.

Hadinton

No. 5.

H Hadinton

No. 6.

Binning

No. 7.

Hadinton

No. 8.

Haddington

No. 9.

1. John, fourth Earl of Haddington, 1648.
2. Lady Christian Lindsay, his Countess, 1687.
3. Charles, fifth Earl of Haddington, *c.* 1683.
4. Lady Margaret Leslie, his Countess, 1674.
5. Thomas, sixth Earl of Haddington, 1706.
6. Helen Hope, his Countess, 1728.
7. Charles, Lord Binning, 1724.
8. Thomas, seventh Earl of Haddington, 1793.
9. Charles, eighth Earl of Haddington, 1801.

James R

No. 1. [illegible]

Anna R

No. 2.

William R.

No. 3.

Vre bonne seur et cousyne

Caterine

No. 4.

1. King James the Fifth of Scotland, with holograph postscript, 1536.
2. Princess Anna of Denmark, Queen of King James the Sixth, 1607.
3. King William the Fourth, 1835.
4. Catherine de Medici, Queen of France, 1582.

D. Cardlis
Sti Andree

No. 1.

Sanctandrois

No. 2.

Andreas Melvinus collegii praef.

No. 3.

Samuel Retorfortus professor
S. Theologiae in collegio Mariano

No. 4.

W. Maitland

No. 5.

James Erll Bothuille

No. 6.

1. Cardinal David Beaton, Archbishop of St. Andrews, 1540.
2. John Spottiswood, Archbishop of St. Andrews, 1629.
3. Andrew Melville, Principal of St. Mary's College, St. Andrews, 1606.
4. Samuel Rutherford, Professor there, 1646.
5. William Maitland of Lethington, 1569.
6. James Hepburn, Earl of Bothwell, 1567.

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Blita

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PRÆSTO
ET
PERSTO